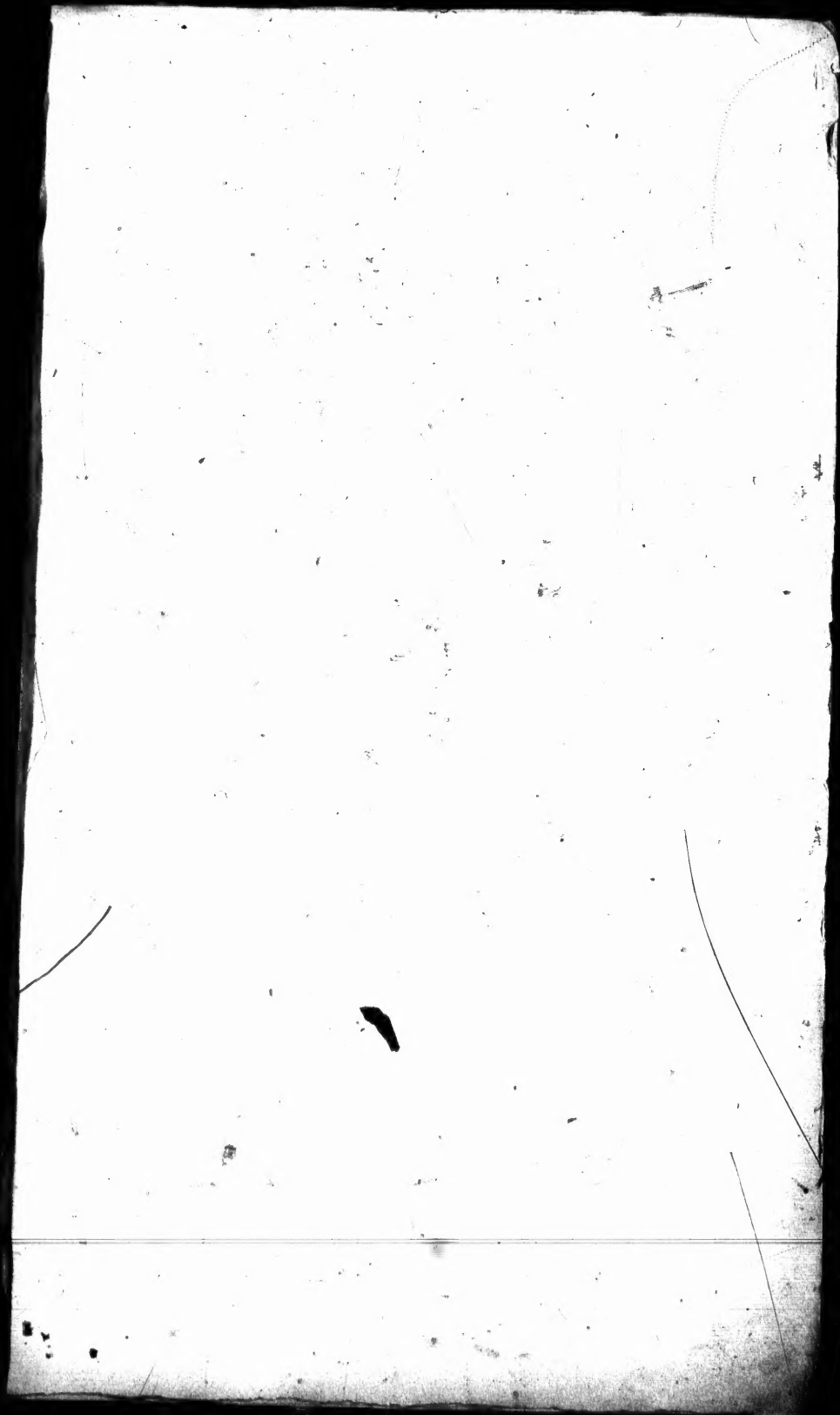
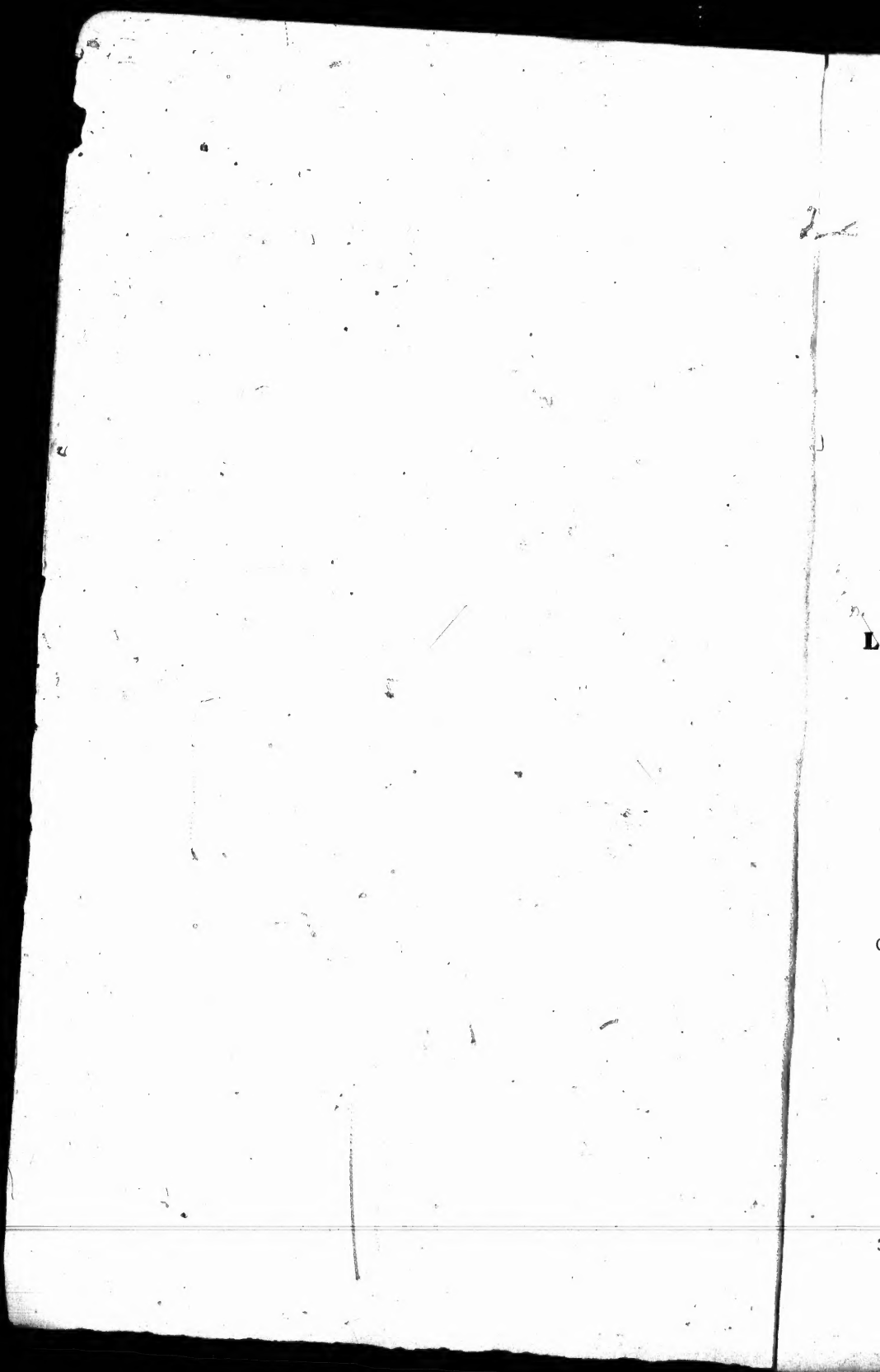






A
971.064
679

LOWER CANADA
AND
UPPER CANADA.

FURTHER
COPIES OR EXTRACTS

OF

CORRESPONDENCE RELATIVE TO THE AFFAIRS

OF

LOWER CANADA AND UPPER CANADA.

LOWER CANADA.

NOVA SCOTIA.

UPPER CANADA.

NEW BRUNSWICK.

PRINCE EDWARD ISLAND.

[PRESENTED BY HER MAJESTY'S COMMAND]

*(In continuation of Papers presented to Parliament on the 23d December 1837, No. 72, and the
16th & 29th January, and 2d February 1838, Nos. 80, 99 & 100.)*

Ordered, by The House of Commons, to be Printed,
4 May 1838.

402112
p13

[ii]

LOWER CANADA	- - - - -	p. 1
UPPER CANADA	- - - - -	p. 73
NOVA SCOTIA	- - - - -	p. 212
NEW BRUNSWICK	- - - - -	p. 216
PRINCE EDWARD ISLAND	- - - - -	p. 228

No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

No. 6.

No. 7.

No. 8.

No. 9.

No. 10.

No. 11.

No. 12.

No. 13.

No. 14.

No. 15.

No. 16.

No. 17.

No. 18.

No. 19.

No. 20.

No. 21.

No. 22.

No. 23.

No. 24.

No. 25.

No. 26.

No. 27.

SCHEDULE.

LOWER CANADA:

- No. 1.—Extract of a Despatch from Lieutenant-general Sir John Colborne, o. c. s., to Major-general Fitzroy Somerset, x. c. s., dated Head Quarters, Montreal, 9 January 1838; (eight Enclosures) - p. 1
- No. 2.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 8 February 1838; (one Enclosure) - p. 4
- No. 3.—Copy of a Despatch from Lieutenant-general Sir J. Colborne, o. c. s., to Lord Glenelg, dated Head Quarters, Montreal, 10 February 1838; (two Enclosures) - p. 5
- No. 4.—Copy of a Despatch from Lieutenant-general Sir J. Colborne, o. c. s., to Lord Glenelg, dated Montreal, 17 February 1838; (four Enclosures) - p. 6
- No. 5.—Extract of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, 22 February 1838 - p. 8
- No. 6.—Copy of a Despatch from Lieutenant-general Sir J. Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 27 February 1838; (two Enclosures) - p. 9
- No. 7.—Copy of a Despatch from Lieutenant-general Sir J. Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 28 February 1838; (one Enclosure) - p. 10
- No. 8.—Copy of a Despatch from Lieutenant-general Sir J. Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 3 March 1838; (seven Enclosures) - p. 11
- No. 9.—Extract of a Despatch from Lieutenant-general Sir J. Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 9 March 1838; (one Enclosure) - p. 16
- No. 10.—Copy of a Despatch from Lieutenant-general Sir J. Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 19 March 1838; (two Enclosures) - p. 17
- No. 11.—Copy of a Despatch from Lieutenant-general Sir John Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 30 March 1838; (five Enclosures) - p. 19
- No. 12.—Copy of a Despatch from Lieutenant-general Sir John Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 31 March 1838; (one Enclosure) - p. 22
- No. 13.—Extract of a Despatch from Lieutenant-general Sir John Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 23 April 1838; (three Enclosures) - p. 23
- No. 14.—Copy of a Despatch from Lieutenant-general Sir John Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 24 April 1838; (three Enclosures) - p. 25
- No. 15.—Copy of a Despatch from Lieutenant-general Sir John Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 27 April 1838 - p. 34
- No. 16.—Copy of a Despatch from Lieutenant-general Sir John Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 30 April 1838; (eleven Enclosures) - p. 34
- No. 17.—Copy of a Despatch from Lieutenant-general Sir John Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 7 May 1838; (13 Enclosures) - p. 43
- No. 18.—Copy of a Despatch from Lieutenant-general Sir John Colborne, o. c. s., to Lord Glenelg, dated Government House, Montreal, 8 May 1838; (one Enclosure) - p. 70

UPPER CANADA:

- No. 19.—Enclosures in Lieutenant-governor Sir F. B. Head's Despatch to Lord Glenelg, dated Toronto, 28 December 1837 - p. 73
- No. 20.—Copy of a Despatch from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg, dated Government House, Toronto, 3 January 1838; (one Enclosure) - p. 81
- No. 21.—Extract of a Despatch from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg, dated Toronto, 10 January 1838; (thirty-four Enclosures) - p. 84
- No. 22.—Copy of a Despatch from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg, dated Government House, Toronto, 13 January 1838; (one Enclosure) - p. 100
- No. 23.—Copy of a Despatch from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg, dated Niagara, 16 January 1838 - p. 100
- No. 24.—Copy of a Despatch from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg, dated Toronto, 22 January 1838; (one Enclosure) - p. 101
- No. 25.—Copy of a Despatch from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg, dated Toronto, 7 February 1838; (twenty-one Enclosure) - p. 104
- No. 26.—Copy of a Despatch from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg, dated Toronto, 6 March 1838; (one Enclosure) - p. 115

357.

No. 27.—

- No. 27.—Copy of a Despatch from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg, dated Toronto, 6 March 1838; (one Enclosure) - p. 118
- No. 28.—Copy of a Despatch from Sir F. B. Head, Bart., to Lord Glenelg, dated Upper Canada, Toronto, 6 March 1838; (one Enclosure) - p. 121
- No. 29.—Copy of a Despatch from Sir F. B. Head, Bart., to Lord Glenelg, dated Upper Canada, Toronto, 12 March 1838; (three Enclosures) - p. 121
- No. 30.—Copy of a Despatch from Sir F. B. Head, Bart., to Lord Glenelg, dated Upper Canada, Toronto, 17 March 1838; (seven Enclosures) - p. 167
- No. 31.—Copy of a Despatch from Sir F. B. Head, Bart., to Lord Glenelg, dated Upper Canada, Toronto, 20 March 1838; (one Enclosure) - p. 202

NOVA SCOTIA:

- No. 32.—Copy of a Despatch from Major-general Sir Colin Campbell, K.C.H., to Lord Glenelg, dated Halifax, 5 February 1838; (one Enclosure) - p. 212
- No. 33.—Copy of a Despatch from Major-general Sir Colin Campbell, K.C.H., to Lord Glenelg, dated Government House, Halifax, 21 March 1838; (one Enclosure) - p. 214
- No. 34.—Copy of a Despatch from Major-general Sir Colin Campbell, K.C.H., to Lord Glenelg, dated Government House, Halifax, 26 March 1838 (one Enclosure) - p. 215

NEW BRUNSWICK:

- No. 35.—Extract of a Despatch from Major-general Sir John Harvey, K.C.H., to Lord Glenelg, dated Government House, Fredericton, 17 December 1837; (two Enclosures) - p. 216
- No. 36.—Copy of a Despatch from Major-general Sir John Harvey, K.C.H., to Lord Glenelg, dated Government House, Fredericton, 10 January 1838; (five Enclosures) - p. 217
- No. 37.—Extract of a Despatch from Major-general Sir John Harvey, K.C.H., to Lord Glenelg, dated Government House, Fredericton, 2 February 1838; (one Enclosure) - p. 221
- No. 38.—Copy of a Despatch from Major-general Sir John Harvey, K.C.H., to Lord Glenelg, dated Government House, Fredericton, 6 February 1838; (one Enclosure) - p. 223
- No. 39.—Copy of a Despatch from Major-general Sir John Harvey, K.C.H., to Lord Glenelg, dated Government House, Fredericton, 9 March 1838; (two Enclosures) - p. 224
- No. 40.—Copy of a Despatch from Major-general Sir John Harvey, K.C.H., to Lord Glenelg, dated Government House, Fredericton, 13 March 1838; (three Enclosures) - p. 226

PRINCE EDWARD ISLAND:

- No. 41.—Copy of a Despatch from Sir Charles A. Fitzroy, K.C.H., to Lord Glenelg, dated Government House, Prince Edward Island, 29 January 1838; (two Enclosures) - p. 228
- No. 42.—Copy of a Despatch from Sir Charles A. Fitzroy, K.C.H., to Lord Glenelg, dated 2 March 1838; (one Enclosure) - p. 229

FUR

EXTRA
to M
Mon

I HA
mandi
in my
3d inst
of the r
700 me
Volu
not less
Forster
comm
The
mortar
yester
and, ma
Infor
invade
the inte
arrang
inform
I tra
tive to
appears
have in
It w
with re
on any
to incur
either
force of
the Am
ance of
Island.

Sir,
I HAV
governor
to the pi

Colon

Bart., to Lord Glenelg, - p. 119
g, dated Upper Canada, - p. 121
g, dated Upper Canada, - p. 121
g, dated Upper Canada, - p. 127
dated Upper Canada, - p. 202

C. B., to Lord Glenelg, - p. 212
C. B., to Lord Glenelg, (re) - p. 214
C. B., to Lord Glenelg, - p. 215

Mr., to Lord Glenelg, (Enclosures) - p. 216
Mr., to Lord Glenelg, (Enclosures) - p. 217
Lord Glenelg, dated - p. 221
Lord Glenelg, dated - p. 223
Lord Glenelg, dated - p. 224
Lord Glenelg, dated - p. 226

elg, dated Govern- - p. 228
elg, dated 2 March - p. 229

FURTHER COPIES OF EXTRACTS OF CORRESPONDENCE relative to the Affairs of LOWER and UPPER CANADA.

LOWER CANADA.

- No. 1 -

LOWER
CANADA.

No. 1.

Sir J. Colborne to
Lord F. Somerset,
9 January 1838.

EXTRACT of a DESPATCH from Lieutenant-General Sir J. Colborne, G. C. B.
to Major-general Lord Fitzroy Somerset, K. C. B.; dated Head Quarters,
Montreal, 9th January 1838.

I HAVE the honour to acquaint you, for the information of the General Com-
manding-in-Chief, that the American force from the United States, mentioned
in my despatch of the 2d instant, still retained possession of Navy Island on the
3d instant, the date of my last accounts from the Niagara frontier. The reports
of the numbers on the island vary; it is generally supposed that they have about
700 men well armed, and nine field-pieces.

Volunteers from the Upper Canada militia are flocking to the Niagara frontier;
not less than 5,000 men are assembled in arms under Colonel M'Nab. Colonel
Forster, I believe, arrived at Niagara on the 2d January, and assumed the
command.

The 24th regiment, the reinforcement of the Royal Artillery, and the 10-inch
mortars, which I ordered from Kingston, would probably have reached Chippawa
yesterday; the five companies of the 32d regiment are on their route to Niagara,
and may arrive there on the 12th instant.

Information has been received that the Americans are making preparations to
invade the western district of Upper Canada, from Detroit; but the reports of
the intentions of the Americans are so vague in respect to the parties making
arrangements to invade the province, that I do not attach much credit to the
information received from that frontier.

I transmit to you the statements forwarded to me by Sir Francis Head, rela-
tive to the capture of the steam-boat Caroline, in an American port. There
appears no doubt that this vessel was employed in the service of the pirates, who
have invaded our territory from the United States.

It would be a hazardous enterprise to attack the Americans on Navy Island,
with reference to the rapid current and the difficulty of disembarking at night
on any part of the island near our own shore. I have desired Colonel Forster not
to incur any great risk in making an attack, for I trust that the pirates may be
either dislodged by a constant fire from our batteries, or, that on finding the
force opposed to them increasing, they will disperse themselves, particularly as
the American Government must now see the necessity of preventing the convey-
ance of supplies, and the passage of recruits, through their territory to Navy
Island.

Enclosure 1, in No.-1.

Sir,

Head Quarters, Chippewa, 30 December 1837.

I HAVE the honour to enclose, for the information of his Excellency the Lieutenant-
governor, several papers connected with the capture of the steam-boat Caroline, belonging
to the pirates who have joined the rebels on Navy Island.

Encl. 1, in No. 1.

Colonel the Hon. Jonas Jones,
A. D. C.

(signed) Allan N. M'Nab, Col. Coms.

I have, &c.

LOWER
CANADA.

No. 1.
Sir J. Colborne to
Lord F. Somerset,
9 January 1838.

Encl. 2 in No. 1.

CORRESPONDENCE RELATIVE TO THE

Enclosure 2, in No. 1.

Sir, Head Quarters, Chippewa, 30 Dec. 1837; Saturday morning, Three o'clock.
I HAVE the honour to report, for the information of his Excellency the Lieutenant-governor, that having received positive information that the pirates and rebels at Navy Island had purchased a steam-boat, called the *Caroline*, to facilitate their intended invasion of this country, and being confirmed in my information yesterday by the boat (which sailed under British colours) appearing at the island, I determined upon cutting her out; and having sent Captain Drew of the Royal Navy, he in the most gallant manner, with a crew of volunteers (whose names I shall hereafter mention) performed this dangerous service, which was handsomely effected.

In consequence of the heavy current it was found to be impossible to get the vessel over to this place, and it was therefore necessary to set her on fire. Her colours are in my possession.

Colonel the Hon. Jonas Jones,
A. D. C.

I have, &c.
(signed) *Alban N. McNab*, Col. Coms.

We have two or three wounded, and the pirates about the same number killed.

A. N. McNab.

Enclosure 3, in No. 1.

Encl. 3, in No. 1.

Sir,

Chippewa, 29 December 1837, 8 A. M.

I HAVE the honour to inform you that I have just returned from the neighbourhood of Navy Island, to which point I proceeded at daybreak with my spyglass to inspect the position of the rebel forces.

Soon after my arrival there I perceived our eight-oared gig just rounding the northern extremity of Navy Island. She had been all round the island, and was fired at from all parts of it with round shot, grape and cannister, and musketry.

On her coming abreast of Fort Schlosser, I distinctly saw two discharges of heavy ordnance from a point on the main shore on the American side, not far from that fort.

As soon as our boat had passed the firing ceased.

I have deemed it no more than my duty to call your attention to this fact, to the truth of which I am prepared to make affidavit whenever called upon.

The Hon. Colonel A. N. McNab,
&c. &c. &c.

I have, &c.
(signed) *J. Elmsley*, Lieutenant Royal Navy.

Enclosure 4, in No. 1.

Encl. 4, in No. 1.

To the Hon. Colonel McNab, Commander-in-chief of the Forces of Upper Canada.

Sir,

Chippewa, 29 December 1837.

I HAVE the honour to inform you, that this morning at eight o'clock about 30 men appeared on Grand Island (two miles below Black Creek) constructing a bridge across a ravine, and when they saw a party of men on the Canada shore watching their movements, they fired a volley of musketry towards them. After having completed their work they left two men on the bridge, and retired towards the lower part of the island.

I have, &c.

(signed) *William Lockwood*,
First Lieutenant of the St. Catherine Troop of Cavalry.

Enclosure 5, in No. 1.

Encl. 5 in No. 1.

Upper Canada, } Sylvanus Fernes Rigley, late of the township of Dumfries,
District of Niagara, to wit, in the district of Gore, labourer, deposes and saith, that he is a British subject; that he enlisted with Charles Duncombe, and joined him in the London district; that after Duncombe's men were dispersed he went with Alfred Luce, another of Duncombe's men, down to Chippewa, and crossed the Niagara river to join the patriots; that he was on board the steam-boat *Caroline* with the said Alfred Luce, on their way to Navy Island, at the time she was captured; that he believes said Luce was killed in the engagement: that he understood the boat to be the property of the patriots; that on the same day she was captured she had taken a six-pounder to the island from Fort Schlosser on the American shore, with provisions and other necessaries for M^r Kenzie's army; that the flag they had on board was a British flag; that deponent saw the cannon put on board; that the cannon, as he understood, was the property of the United States, and that it was in charge

charged
in Upper
had seen
a rifle
steam-

The

Sworn

Upper
Do

for the
in the
who de
person,
men on
glass, a
a bridge
was the
men, w
eight o
the river
ravine;
own soil
believe

Take
trict, th

Upper
of N
that on
on arriv
body of
and deta
but was
a prison
United
Navy Is
the boat
other ne
a prison
had got
that dep
that dur
man her
confined
and the
arsenal
nent, af
made, a
not give

Sworn

morning, Three o'clock.
 ellency the Lieutenant-
 and rebels at Navy Island
 tended invasion of this
 at (which sailed under
 ing her out; and having
 r, with a crew of volun-
 rous service, which was
 le to get the vessel over
 Her colours are in my

I have, &c.
M^r Nab, Col. Coms.

number killed.
A. N. M^r Nab.

December 1837, 8 A. M.
 the neighbourhood of
 glass to inspect the
 bounding the northern
 was fired at from all
 ges of heavy ordnance
 fort.

to fact, to the truth of
 have, &c.
 nant Royal Navy.

Upper Canada.
 December 1837.
 about 20 men
 a bridge across a
 g their movements,
 their work they left

roop of Cavalry.

ship of Dumfries,
 a and saith, that
 joined him in the
 with Alfred Luce,
 river to join the
 ed Luce, on their
 uce was killed in
 riots; that on the
 m Fort Schlosser
 s army; that the
 on put on board;
 and that it was in
 charge

AFFAIRS OF LOWER CANADA, &c.

3

LOWER
 CANADA.

No. 1.

Sir J. Colborne to
 Lord F. Somerset,
 9 January 1838.

Encl. 5, in No. 1.

charge of one Parker, who this deponent understood was a brother of the Parker now in gaol in Upper Canada for high treason, and who formerly kept a shop in Hamilton. Said Parker had several recruits for M^r Kenzie with him; that when the boats approached the steam-boat, a rifle was fired at them from the steam-boat; that he then ran forward to the front of the steam-boat, where he was made prisoner.

(signed) *Sylvanus Fearnas Wrigley*.

The only firelocks deponent saw on board were muskets and rifles.

(signed) *Sylvanus Fearnas Wrigley*.

Sworn before me at Chippewa, the 30th December 1837.

(signed) *W. Hamilton Merritt, J. P.*

Enclosure 6, in No. 1.

Upper Canada. Niagara] BE it remembered, that before me, Bartholomew Tench, esq., District, to wit. } one of Her Majesty's justices assigned to keep the peace in and for the said district, personally appeared Michael D. Gander, of the township of Willoughby, in the said district, yeoman, and now an ensign in Captain E. Usher's Volunteer Company, who deposeth and saith, that this morning he was in company with his brother and another person, named Henry Marshall, on the main road leading to Fort Erie; he saw about 10 men on Grand Island, about four miles above Navy Island; and he looked through a small glass, and saw from 12 to 20 men carrying trees towards a ravine for the purpose of making a bridge, without which it would be impossible to transport guns, which the deponent thinks was their object. About 80 rods higher up on the island there was another party of five men, who advanced towards the water's edge and fired five or six shots at a party of about eight or ten persons (among whom were five or six females) who had assembled on the brink of the river from motives of curiosity. The men were all armed, and, after firing, returned to the ravine; after which they dispersed. Deponent further declares that British subjects on their own soil were wantonly and unprovokedly fired on from Grand Island by a party whom he believes to be Americans.

(signed) *Michael D. Gander*.

Taken and acknowledged before me, after being first duly read at Chippewa, in said district, this 20th day of December 1837.

(signed) *Bartholomew Tench, J. P.*

Enclosure 7, in No. 1.

Upper Canada. District] GEORGE NOLOP, of the village of Brantford, in the district of of Niagara, to wit. } Gore, yeoman, deposeth and saith, that he is a British subject; that on the 28th day of the present month he went out on business to the United States; that on arriving at Fort Schlosser, in the said United States, he was taken prisoner by an armed body of men, who said they were citizens of the United States; that he was put under guard, and detained for about 24 hours; that he, this deponent, repeatedly applied to be liberated, but was told by the guard that they would not let any damned Tory go; that whilst he was a prisoner at Fort Schlosser he saw a six-pounder, belonging, as his guard told him, to the United States, taken from the fort and put on board the steamer Caroline, and taken to Navy Island; that whilst he was a prisoner he heard the men belonging to the boat state that the boat belonged to the patriots, and that she was to be employed taking stores, guns, and other necessaries to Navy Island for the use of the patriot army; that while deponent was a prisoner, some armed men came up to the tavern where he was, and said, that the Tories had got the boat; that the men turned out and fired upon the persons they called Tories; that deponent heard from his guard that there were about 30 armed men on board the boat; that during the confusion he made his escape; that when the crew of the boat went down to man her, they marched in regular order; that in the guard-room in the tavern where he was confined there was a cask filled with six-pound shot, and two casks of grape and cannister, and the men belonging to the steam-boat said that said shot had been taken out of the arsenal at Buffalo, and was to be sent to the patriots; that one of the crew told this deponent, after the steam-boat had been taken, that he was sentry on deck when the attack was made, and demanded the countersign several times from the attacking party, but they did not give it.

(signed) *George Nolo*.

Sworn before me at Chippewa, this 30th day of December 1837.

(signed) *George Pryke, J. P.*

LOWER
CANADA.

No. 1.

Sir J. Colborne to
Lord F. Somerset,
9 January 1838.

Encl. 8, in No. 1.

4 CORRESPONDENCE RELATIVE TO THE

Enclosure 8, in No. 1.

Upper Canada. District of Niagara, to wit. } LUKE WALKER, of the city of Buffalo, in the state of New York, in the United States of America, labourer, maketh oath and saith, that he was on board the steam-boat Caroline last night when she was captured; that there were about 30 armed men on board; that the said boat, as he understood, was the property of the patriots in Navy Island; she had been employed during the day in taking prisoners and stores to the island; that deponent was in the cabin lying down, when he heard the watch on deck cry out, "Hurrah, boys, here comes the enemy!" that he heard the captain say to the men, "Sleep well to-night, for we shall have hard work to-morrow; there are many gentlemen coming from Rochester, and we shall have to take them over."

his
Luke x Walker.
mark.

Sworn before me at Chippewa, first having been fully read and explained to him, this 30th December 1837.

W. Hamilton Merritt, J. P.

No. 2.

Earl of Gosford to
Lord Glenelg,
8 February 1838.

(No. 20.)

— No. 2. —

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

My Lord,

Castle of St. Lewis, Quebec, 8th February 1838.

THE subscribers to many of the addresses that have been lately presented to me having expressed therein a desire that their Sovereign, our gracious Queen, should be made acquainted with the loyal sentiments which in consequence of recent occurrences they had felt it proper to come forward to declare, I hasten to redeem the promise that I made in return to further their wishes in this matter.

As these addresses are in substance the same, and in some cases almost identical with those that accompanied my despatch of the 23 December, No. 136, it may be sufficient without transmitting the addresses themselves, which are numerous, to state the place from which each proceeded, with the number of the signatures attached to it; and to observe that the general tenor of all is to declare on the part of the memorialists their fidelity to Her Majesty, their attachment to the connexion existing between this Province and Great Britain, their desire to preserve the rights, privileges, institutions, and laws which they have enjoyed under the British Government, their disapprobation of the criminal proceedings of a portion of their deluded countrymen, and their determination to use their utmost efforts for the restoration of peace and good order, and the re-establishment of harmony and concord among all classes of Her Majesty's Canadian subjects.

I have, &c.
(signed) Gosford.

Vide Papers rela-
tive to the Affairs
of Canada, present-
ed to Parliament,
8 Feb. 1838, p. 3.

Enclosure in No. 2.

Encl. in No. 2.

List of Loyal Addresses alluded to in the Earl of Gosford's Despatch,
dated 8 February 1838.

DATE.	PARISH.	COUNTY.	Number of Signatures.
1837:			
4 December	Quebec	Quebec	1,900
9 —	St. Philippe	La Prairie	135
10 —	Yamaska	Yamaska	208
12 —	L'Assomption	L'Assomption	984
18 —	St. Ambroise	Quebec	132
19 —	Becancour	Nicolet	—
22 —	Ste. Rose	Terrebonne	283
23 —	Rivière des Prairies	Montreal	143
26 —	St. Linn	Lachenaie	65
26 —	St. Charles	Bellechasse	556

DATE.

1837:

26 Decem

26 —

31 —

—

—

—

—

1838:

2 Januar

15 —

—

14 —

—

1837:

24 Decem

—

COPY

My

I HAVE

intends I

made for

I have

that the

Gibraltar

America

The a

Canada

The L

and Plat

vince by

exciteme

Severn

ammuni

cans. I

Governo

I beg le

subject,

Sir,

WITH

have rece

States an

on the fr

that it a

months s

in Novem

Platzburg

parations,

mingford.

It beco

tions be p

you will,

367.

in the state of New
labourer, maketh oath
when she was captured;
as he understood, was
during the day in taking
lying down, when he
enemy!" that he heard
hard work to-morrow;
to take them over."

his
Luke x Walker.
mark.

ained to him, this 30th

Milton Merritt, J. P.

Lord Glenelg.

February 1838.
lately presented to
our gracious Queen,
in consequence of
to declare, I hasten
their wishes in this

ome cases almost
December, No. 136,
themselves, which
l, with the number
eral tenor of all is
ter Majesty, their
and Great Britain,
d laws which they
probation of the
rymen, and their
of peace and good
among all classes of

ave, &c.
Gosford.

Despatch,

	Number of Signatures.
-	1,900
-	136
-	208
-	984
-	132
-	283
-	143
-	65
-	556

DATE.	PARISH.	COUNTY.	Number of Signatures.
1837 :			
26 December	St. George Kacona - - -	Kamouraska - - -	83
26 —	Montmorenci - - -	Montmorenci - - -	600
31 —	St. Thomas and L'Islet - -	L'Islet - - -	106
—	St. Michel and Beaumont -	Bellechasse - - -	615
—	St. Edouard - - -	Acadie - - -	224
—	Godmanchester - - -	Beauharnois - - -	—
1838 :			
2 January	St. Roch - - -	Lachenaie - - -	75
15 —	St. Charles - - -	Richelieu - - -	225
—	Longueuil - - -	Chambly - - -	273
—	St. Rosalie - - -	St. Hyacinthe - - -	193
14 —	St. Hyacinthe - - -	St. Hyacinthe - - -	387
—	La Presentation - - -	St. Hyacinthe - - -	287
1837 :			
24 December	- - -	Saguenay - - -	711
—	Rigaud - - -	Vaudreuil - - -	163

— No. 3. —

COPY of a DESPATCH from Lieutenant-General Sir J. Colborne, G.C. B.,
to Lord Glenelg.

My Lord,

Head Quarters, Montreal, 10 February 1838.

I HAVE the honour to acquaint you, that Lord Gosford informs me, that he
intends leaving Quebec on the 13th instant, on which day arrangements will be
made for my assuming the administration of the government.

I have received a report from the officer commanding at Amherstburgh, stating
that the Americans who landed on the island of Bois Blanc, and retired to
Gibraltar Point, on the United States' territory, have been dispersed by the
American authorities, with the assistance of General Scott.

The alarm which prevailed in the London and western districts of Upper
Canada has subsided; and on the Niagara frontier there is no excitement.

The Lower Canadians still continue to collect on this frontier near Champlain
and Plattsburgh; and by spreading reports of an intended invasion of the pro-
vince by the roads passing through La Colle and Hemmingford, keep up an
excitement in the counties of Acadie, and La Prairie, and Chambly.

Several communications have been made to me relative to the arms and
ammunition, which it is said have been conveyed to the frontier by the Ameri-
cans. I have therefore considered it necessary to call the attention of the
Governor of the state of New York, to these preparations for invasion; and
I beg leave to transmit to your Lordship a copy of my letter to him upon this
subject, and the reply to it.

I have, &c.
(signed) J. Colborne.

1 February.
4 February.

Enclosure 1, in No. 3.

Sir,

Montreal, 1 February 1838.

WITH reference to my private letter of yesterday's date, I beg to acquaint you that I
have received further information respecting the proceedings of certain citizens of the United
States and the Lower Canadians who quitted this province last week, and are assembling
on the frontier at Plattsburgh, Champlain, and the villages in that neighbourhood; and
that it appears from several reports that a Dr. Cote, who was actually employed some
months since in causing disturbances in Acadie, and a person of the name of Gaynon, who
in November last crossed the frontier from Swanton, with Bouchette and others, are now at
Plattsburgh, supplying the Lower Canadians with arms and ammunition, and making pre-
parations, with the brigands engaged by them, to cross the frontier by La Colle and Hem-
mingford.

It becomes my duty to apprise you of these proceedings, for should these hostile prepa-
rations be permitted to continue without the interposition of the authorities of the United States,
you will, I am confident, entertain no doubt that it must be considered as a flagrant viola-
tion.

No. 2.
Earl of Gosford to
Lord Glenelg,
8 February 1838.
Encl. in No. 2.

No. 3.
Sir J. Colborne to
Lord Glenelg,
10 February 1838.

Encl. 1, in No. 3.

LOWER
CANADA.

No. 3.
Sir J. Colborne to
Lord Glenelg,
10 February 1838.

Encl. 1, in No. 3.

6

CORRESPONDENCE RELATIVE TO THE

tion of that neutrality which the United States Government is so anxious to preserve. I therefore request that the information, to which I have adverted, may be communicated as soon as possible to the authorities empowered to protect the frontier, and that they may be called on to disperse such parties as may be found at Plattsburgh and at Champlain, arming for the invasion of this province.

Mr. Coffin, of Montreal, the bearer of this letter, has been requested by me to communicate the details of the proceedings of the Lower Canadians at Plattsburgh, collecting the habitants of Acadie and others, with a view of again disturbing the tranquillity of the province.

His Excellency Governor Marcy,
&c. &c. &c.

I have, &c.
(signed) J. Colborne,
Lieut.-General Commanding.

Enclosure 2, in No. 3.

Encl. 2, in No. 3.

Sir,

I HAVE to acknowledge your two communications, one dated the 31st of January, and the other 1st of February, the latter by Mr. Coffin of Montreal. The state government has not the slightest authority to act in the case you have stated.

It can only act to repel invasion, and take precautionary measures to prevent apprehended invasions, if the danger thereof is imminent.

Its power in such cases is to be exerted only till the general government has time to interfere, the latter being solely charged with the management and maintenance of our foreign relations.

On the receipt of your first letter, I however wrote to General Wool, of the United States army, who is now in command on the northern frontier, on the subject to which your communication relates. I have again written him to-day, apprising him of the receipt and object of your last letter. I have also written to the United States collector of the Champlain district and to the Secretary at war, in relation to the same subject.

Sir John Colborne,
Lieutenant-General, &c.

I have, &c.
(signed) W. L. Marcy.

No. 4.
Sir J. Colborne to
Lord Glenelg,
17 February 1838.

— No. 4. —

COPY of a DESPATCH from Lieutenant-General Sir J. Colborne, G. C. B., to
Lord Glenelg.

My Lord,

I HAVE to acquaint your Lordship, that Lord Gosford has been detained at Quebec in consequence of a severe contusion from a fall. I transmit to you two notes which I have received from him. He will not be able to commence his journey for a few days; and it appears from the opinion of the law officers of the Crown, that I cannot administer the government under the commission of Lord Gosford, while he remains in the province.

Your Lordship will perceive from the accompanying copies of reports from officers in the Upper Province, that the brigands assembled by Sutherland in Michigan, have not been dispersed.

General Wool, the officer who is employed by the United States Government on this frontier to prevent any movement on the part of the rebels and their supporters, on this frontier, is at present at Plattsburgh; and he assures me that no arms shall be removed from the places where they may have been deposited towards the Canadian frontier; and that he has taken measures to disperse the persons who may be making hostile preparations against Lower Canada.

I have no doubt that Generals Scott and Wool will continue to act with energy, and frustrate the projects of the rebels of both provinces, who have been for some weeks circulating reports of their intention to return with the assistance of their friends in the United States.

I have, &c.
(signed) J. Colborne.

Enclosure 1, in No. 4.

Sir,

SINCE I last had the honour of writing to you, I have received communications from Colonel Townshend, commanding at Amherstburgh, in all of which he assures me of the tranquil

tranquil at
the Ameri
rebels.

Lieuten
accompa
to Niagar
purpose, n
Since I
both comp
have rente
considerin
the annual

The que
circumstan
have done

This to
Lieutenant
they canno
vicinity the
state prison

I have o
in this par
concerned
get rid of

I have
bled on th
consequen
who were
sity of kee
regular tro

Since th
to enforce
duty to le
public serv
I have to

Col.
Deputy

My d
SINCE
this mome
rebels were
Cleveland,
London wi
Artillery fi
St. Thomas
told me, to
into them

I would
from Sand
fidence in
As to th
there were
clothing, a
party, but
Port on th
Dr. Dunce

I will no
break or a
There h
frontier an
clare, that
yet that th
sion in a
munition,

THE

so anxious to preserve. I may be communicated as tier, and that they may be and at Champlain, arming

quested by me to communi-
Platzburgh, collecting the
g the tranquillity of the

cc.
J. Colborne,
General Commanding.

any, 4 February 1838.
the 31st of January, and
the state government has

asures to prevent appre-
rment has time to inter-
aintenance of our foreign

pol, of the United States
ject to which your com-
him of the receipt and
collector of the Champ-
ject.

have, &c.
(d) W. L. Marcy.

Colborne, G. C. B., to

7 February 1838.
as been detained at
I transmit to you
able to commence
of the law officers
nder the commission

opies of reports from
d by Sutherland in

States Government
the rebels and their
he assures me that
have been deposited
ures to disperse the
er Canada.

ntinue to act with
ces, who have been
with the assistance

ve, &c.
J. Colborne.

0 February 1838.
communications from
e assures me of the
tranquil

7 AFFAIRS OF LOWER CANADA, &c.

LOWER
CANADA.

No. 4.

Sir J. Colborne to
Lord Glenelg,
17 February 1838.

Encl. 1, in No. 4.

tranquil state along the line of the western frontier, and of the decided measure taken by the American authorities to prevent any breach of the neutrality, or any assemblage of rebels.

Lieutenant-colonel Worth and several other officers of the United States army, who had accompanied their forces to Detroit, passed through this place two days ago, on their return to Niagara frontier, having been furnished with passports from Colonel Townshend for that purpose, not being able to return by the lake in consequence of the ice.

Since I wrote you the last, the 3d company of the 83d have arrived in this district, and both companies of that corps are now stationed at St. Thomas's, in a house there which I have rented at the rate of 100 l. per annum, I have taken it until the 1st May next; this, considering, is a moderate rent. The quarters here I have engaged for the same period, at the annual rent of about 200 l., being 50 l. until the 1st May next.

The quarters have been fitted up in a temporary way, to make them as comfortable as the circumstances will allow for the soldiers, and I trust his Excellency will approve of what I have done in these respects.

This town, which I have selected for my head-quarters, is very central, and if the Lieutenant-general has no other use at present for the troops under my command, I think they cannot be in a better situation than they are now until the spring, as in this immediate vicinity there are a vast number of disaffected people, besides which the greater part of the state prisoners are confined in the gaol at London.

I have observed myself, and I find from information, that many American families settled in this part of the country are leaving it; whether it arises from fear, or being more or less concerned with the rebels, I know not; but be the cause what it may, it is a good thing to get rid of such ill-disposed people.

I have urged Colonel Townshend to reduce as much as possible the militia now assembled on the frontier, by sending them to their homes, and lessen the public expense; in consequence, indeed, he writes me that he has already dismissed a great number of them who were anxious to return to their villages and families, as there no longer exists the necessity of keeping so large a force there, particularly as there are now so many of the Queen's regular troops in this country.

Since the arrival of the commissariat officers in this district, I have been better enabled to enforce stricter economy in the different issues of that department, and I shall feel it my duty to lessen the expenses accordingly, as far as is consistent with a due regard for the public service.

I have to request you will inform his Excellency of the general good conduct of the troops. I have, &c.

(signed) John Maitland,

Lieut.-colonel commanding 32d Regiment,
and Colonel commanding.

Col. the Hon. Chas. Gore, K.H.,
Deputy Quartermaster-General, &c. &c.,
Montreal.

Enclosure 2, in No. 4.

My dear Sir John,

Toronto, 13 February 1838.

SINCE my last announcing the tranquil state of the Western and London districts, I have this moment received a communication from Colonel Maitland, representing that as the rebels were assembled near Detroit, to the number of about 400, and were coming on from Cleveland, in a supposed body of about 600, he deemed it prudent to move forward from London with two companies of the 32d regiment, and with Captain Glasgow and the Royal Artillery from the same place; and that he had also ordered one company of the 83d from St. Thomas's to Amherstburgh. As Colonel Maitland has forwarded the particulars, as he has told me, to your Excellency and to Colonel Gore, I will not detain the express in entering into them myself.

Encl. 2, in No. 4.

I would merely observe, that Major Lachlan, sheriff of the western district, is now here from Sandwich, which place he left on the 10th instant, and that he does not place any confidence in the reported intention of the brigands to attack the frontier.

As to the 600 stated to be on their way from Cleveland, I in my last letter observed that there were about 400 in a most miserable state of wretchedness, from want of food and clothing, and totally destitute of arms. It is now thought that Van Rensselaer is with this party, but I cannot fancy this possible, as he was positively at Youge Town and at Lock Port on the 7th, the day on which Lady Head passed through those places for New York. Dr. Duncombe has escaped to Detroit in woman's clothes.

I will not fail to send reinforcements from hence, should it be found necessary by any outbreak or appearance of a rising in the London district.

There have been three or four gentlemen with me, who have come lately from the western frontier and Port Farnier, and one a very respectable merchant from Detroit; they all declare, that although the brigands would be most happy to make another attempt at invasion, yet that they are not prepared for anything on an extensive scale, being in general very deficient in arms; whereas our militia are comparatively well supplied with both arms and ammunition, independent of the seven guns now on the frontier.

I have, &c.

(signed) C. Foster.

LOWER
CANADA.

No. 4.
Sir J. Colborne to
Lord Glenelg,
17 February 1838.

Encl. 3, in No. 4.

8

CORRESPONDENCE RELATIVE TO THE

10 o'clock, P.M.—Another express has just arrived, it is from Colonel Reid, 32d, commanding at London; it gives nothing further than that Colonel Townshend had written to General Brady at Detroit, but that no answer had, at the moment of writing, been received, nor had Colonel Townshend's scouts brought him any further information.

His Excellency Lieut.-General Sir John Colborne,
&c. &c. &c.

(signed) C. Foster.

Enclosure 3, in No. 4.

Encl. 3, in No. 4.

Sir,
I HAVE this moment received the enclosed documents, and, as they only corroborate similar reports, I hasten to apprise you of them, and to request that some reinforcement either of regulars or militia may be immediately sent, many of our numbers having returned home, as I have before notified to you by post; independent of the information now sent, I have been most credibly informed that the rebels to the amount of 1,000 are on the advance from the other side, that is, from Cleveland and Muhr.

I have had rumours of such being their intention for some days past, and which I have reported by post; but as that mode of conveyance is so slow and precarious, I fear you may not receive them in time. Should the enclosed information not be correct, there is little doubt but what the rebels meditate mischief towards us, therefore pray send us some force; the few artillery men arrived yesterday will be of the greatest service to us, but having seven guns more would be acceptable.

I have, &c.
(signed) H. D. Townshend,
Major 2d Regiment, and Colonel.

To Col. the Hon. John Maitland,
&c. &c. &c.

Enclosure 4, in No. 4.

Encl. 4, in No. 4.

Sir,
I HAVE the honour to enclose you for the information of his Excellency, the Lieutenant-general commanding, letters and reports, which I have just this moment received from Colonel Townshend, commanding at Amherstburgh.

Though these reports may not be true, I have thought proper to proceed myself with three companies to reinforce the troops on that frontier.

I take two companies of the 32d from this place, and I have directed one of the companies of the 83d regiment at St. Thomas's to proceed to Amherstburgh immediately; I have also taken with me the detachment of Royal Artillery (Captain Glasgow and ten men) from London.

There now remains here the two flank companies of the 32d regiment under Lieutenant-colonel Reid, and one gun (nine-pounder), which is sufficient for the moment for the security of the state prisoners here, and to keep in check the disaffected, and at St. Thomas's one company under Captain Colquhoun; I must here remark that the gun here is nearly useless for want of horses, and I beg to recommend, that, if it is practicable, this gun may be horsed by Colonel Cubitt, R.A., from Kingston, who I believe has horses at that station.

Should I find after my arrival at Amherstburgh, that these reports are not correct, and after having had communication from the authorities at Detroit, I shall then return to my head-quarters here, having with Colonel Townshend a sufficient reinforcement.

I beg to recommend, that should his Excellency the Lieutenant-general be able to spare more troops, I think it advisable that a reinforcement of two more companies should be added to the force in these districts, as well as a reinforcement of men of the Royal Artillery.

Col. the Hon. Charles Gore, K.H.,
Dep. Quartermaster-general,
&c. &c. &c.
Montreal.

I have, &c.
(signed) John Maitland,
Lieutenant-colonel commanding 32d Regiment,
and Colonel commanding.

No. 5.
Earl of Gosford to
Lord Glenelg,
22 February 1838.

— No. 5. —

EXTRACT of a DESPATCH from the Earl of Gosford to Lord Glenelg;
dated Castle of St. Lewis, 22 February 1838.

At the instance of the Bishop of Montreal, and with the advice of the executive council, I issued on the 7th instant a proclamation, fixing Monday, the 26th instant, as a day of general thanksgiving for the restoration of public tranquillity in the province, this day having been previously agreed upon by the heads of the Protestant and Roman-catholic Churches.

WHERE
in the si
Sovereign
Archibald
provinces
And v
of the a
Canada,
the power
and gran
or of eith
to such
appointe
such pow
pleasure
said prov
upon the
provinces
until the
time betw
Canada,
thereof, a
instructi
in the m
Governor
357.

TO THE

from Colonel Reid, 32d, com-
mand, as they only corroborate
ment of writing, been received,
information.

(signed) C. Foster.

burgh, 8 February 1838.
and, as they only corroborate
ment that some reinforcement
of our numbers having returned
of the information now sent, I
of 1,000 are on the advance

days past, and which I have
d precarious, I fear you may
ot be correct, there is little
ore pray send us some force;
service to us, but having

&c.
H. D. Townshend,
d Regiment, and Colonel.

estern Districts, London,
February 1838.
Excellency, the Lieutenant-
his moment received from
er to proceed myself with

directed one of the com-
burgh immediately; I have
lasgow and ten men) from

egiment under Lieutenant-
ne moment for the security
and at St. Thomas's one
gun here is nearly useless
tlicable, this gun may be
horses at that station.
ports are not correct, and
I shall then return to my
information.

-general be able to spare
re companies should be
t of men of the Royal

e, &c.
John Maitland,
anding 32d Regiment,
ommanding.

to Lord Glenelg;
38.

the advice of the
tion, fixing Monday,
restoration of public
agreed upon by the

AFFAIRS OF LOWER CANADA, &c.

— No. 6. —

COPY of a DESPATCH from Lieutenant-General Sir J. Colborne, G. C. B., to
Lord Glenelg.

Government House,
Montreal, 27 February 1838.

My Lord,
I HAVE the honour to acquaint your Lordship that I assumed the administra-
tion of the government of the province this day, the Earl of Gosford having
notified his intention of leaving Quebec this morning, and having directed the
clerk of the executive council to assemble the council at Montreal, to be present
on my taking the usual oaths as administrator.

I transmit herewith, for your Lordship's information, a copy of Lord Gosford's
letter, and also a copy of the proclamation I have issued on the occasion.

I have, &c.

(signed) J. Colborne.

Enclosure 1, in No. 6.

Sir,

I HAVE to request that you will take the necessary steps for summoning the members of
the executive council to meet in council at Montreal on Tuesday next, the 27th instant, at
three o'clock in the afternoon, for the purpose of swearing in Lieutenant-general Sir John
Colborne to the administration of the government of these provinces, it being my intention
to take my departure for England on that day.

The Hon. H. W. Ryland,
Clerk of the Executive Council.

I remain, &c.
(signed) Gosford, Governor-in-Chief.

Certified. (A true copy.)

(signed) George H. Ryland.

Enclosure 2, in No. 6.

Province of Lower Canada. J. Colborne.

By his Excellency Sir John Colborne, Knight Commander of the most Honourable
Military Order of the Bath, Knight Grand Cross of the Royal Hanoverian Guelphic
Order, Lieutenant-General commanding Her Majesty's Forces in the Provinces
of Lower Canada and Upper Canada, and Administrator of the Government of the
said Province of Lower Canada.

Encl. 2, in No. 6.

A PROCLAMATION.

WHEREAS, by certain letters patent, bearing date at Westminster the first day of July,
in the sixth year of the reign of our late Sovereign Lord William the Fourth, our said late
Sovereign Lord William the Fourth did constitute and appoint the Right honourable
Archibald Earl of Gosford to be Captain-general and Governor-in-chief, in and over the
province of Upper Canada, and in and over the province of Lower Canada, respectively.

And whereas, in and by the said letters patent, it is provided that in case of the death or
of the absence of the said Archibald Earl of Gosford out of the said province of Upper
Canada, or out of the province of Lower Canada, in either of such cases, all and singular
the powers and authorities granted to the said Archibald Earl of Gosford, should be given
and granted to the Lieutenant-governor for the time being, of such provinces respectively,
or of either of them as the case might be, or in the absence of any such Lieutenant-governor,
to such person or persons as might by warrant under the sign manual be authorized and
appointed to be the administrator of the government of the said provinces or either of them,
such powers and authorities to be by him or them executed and enjoyed during the Royal
pleasure; but if, upon the death or absence of the said Archibald Earl of Gosford out of the
said provinces of Upper Canada or Lower Canada, or either of them, no person should be
upon the place commissioned and appointed to administer the government of the said
provinces until the return of the said Archibald Earl of Gosford from any such absence, or
until the Royal pleasure could be further made known, the senior military officer for the
time being in command of the forces within the said provinces of Upper Canada or Lower
Canada, as the case may be, should take upon him the administration of the government
thereof, and should execute in the said provinces respectively the said commission and the
instructions therein mentioned, and the several powers and authorities therein contained,
in the same manner and to all intents and purposes as other the Captain-general and
Governor-in-chief should or ought to do.

357.

c

And

LOWER
CANADA.

No. 6.

Sir J. Colborne to
Lord Glenelg;
27 February 1838.

Enclosure, No. 1.
Enclosure, No. 2.

CORRESPONDENCE RELATIVE TO THE

LOWER
CANADA.No. 6.
Earl of Gosford to
Lord Glenelg,
22 February 1838.

Encl. 2, in No. 6.

And whereas, by reason of the absence of his Excellency the said Archibald Earl of Gosford, from and out of the said provinces of Upper Canada and Lower Canada, and under and by virtue of the above provision in the said letters patent contained, the administration of the civil government of Her Majesty's Province of Lower Canada, hath devolved upon Her Majesty's forces within the said provinces of Upper and Lower Canada, with all and every the powers and authorities by the said letters patent vested in the said Archibald Earl of Gosford, I have, therefore, with the advice of Her Majesty's executive council of this province, thought fit to issue this proclamation to make known the same, and I do hereby require and command that all and singular Her Majesty's officers and ministers in places, and employments; and that Her Majesty's loving subjects, and others whom it may concern, do take notice hereof and govern themselves accordingly.

Given under my hand and seal at arms, at the Government House, in the city of Montreal, in the province of Lower Canada, the 27th day of February, in the year of our Lord 1838, and in the first year of Her Majesty's reign.

By His Excellency's command,

D. Daly, Secretary of the Province.

— No. 7. —

No. 7.
Sir J. Colborne to
Lord Glenelg,
28 February 1838.

COPY of a DESPATCH from Lieutenant-General Sir J. Colborne, G. C. B. to Lord Glenelg.

My Lord,

Government House, Montreal, 28 Feb. 1838.

The law officers of the Crown in this province having represented to me the serious embarrassment that would probably arise in the present unsettled state of the district of Montreal, in consequence of a proclamation having been issued appointing a day of general thanksgiving, and stating that an end has been put to the rebellion, thus virtually, as it may be supposed, discontinuing the Act declaring martial law, I deemed it my duty to take the earliest opportunity of bringing the suggestions of the law officers before the executive council, when it was unanimously agreed to issue a proclamation, announcing the continuance of martial law, a copy of which I have the honour to transmit.

Your Lordship will, I am persuaded, coincide with the executive council in thinking that, with a rebel force hovering on the frontier line, supported by Americans of the lowest and worst description, it would be most imprudent to discontinue martial law in the district, both with respect to the present excitement in this province, and the movements of the rebels in our front.

I have, &c.
(signed) J. Colborne.

Enclosure in No. 7.

Province of Lower Canada. J. Colborne.

Encl. in No. 7.

By his Excellency Sir John Colborne, Knight Commander of the most Honourable Military Order of the Bath, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Lieutenant-General commanding Her Majesty's Forces in the Provinces of Lower Canada and Upper Canada, and Administrator of the Government of the said Province of Lower Canada.

A PROCLAMATION.

WHEREAS his Excellency the Right honourable Archibald Earl of Gosford, Captain-general and Governor-in-chief in and over the provinces of Upper and Lower Canada, did, by Royal commission, dated at the Castle of St. Lewis the fifth day of December, 1837, authorize and command me, as Lieutenant-general commanding Her Majesty's Forces in this province, to execute martial law in the district of Montreal, and to arrest and punish all persons acting, aiding, or in any manner assisting in the conspiracy and rebellion which then existed within the said district of Montreal, and which had broken out into the most daring and violent attacks upon Her Majesty's forces, according to martial law, either by death or otherwise, as to me should seem right and expedient, for the punishment and suppression of all rebels in the said district; and whereas his Excellency the Governor-in-chief hath not in anywise cancelled or recalled the orders and authority so by him to me given in that behalf; and whereas, although the said conspiracy and rebellion have been put down, and peace hath been apparently restored, yet the public safety requires that law martial should still be exercised in the same manner, and to the same extent as his Excellency the Governor-in-Chief hath authorized and commanded me to exercise the same; now, therefore, I have thought fit, by and with the advice and consent

of Her
that it
punish
spiracy
by dea
rebels
Given
treat, i
1838, a

COPY

M
I H
Canad
and pr
27th
They
The
colone
early
they re
of the
I tra
officer,
the lea
It a
field pi
Gene
of the
Americ
I als
western
Your
the bri
invade
Missis
the mi
attach
The
this de
has alr
with at
I for
the reb

Sir,
I hav
from the
and east
side of t
the inter
The w
kept in
their usu
a consid
337.

he said Archibald Earl of
Lower Canada, and under
tained, the administration
Canada, hath devolved upon
senior officer commanding
Lower Canada, with all and
ed in the said Archibald
esty's executive council of
own the same, and I do
s officers and ministers in
ral and respective offices,
and others whom it may

e, in the city of Montreal,
he year of our Lord 1838,

Secretary of the Province.

Colborne, G. C. B. to

real, 28 Feb. 1838.
represented to me the
resent unsettled state
mination having been
ing that an end has
posed, discontinuing
e the earliest oppor-
the executive coun-
ion, announcing the
our to transmit.
executive council in
line, supported by
e most imprudent to
the present excite-
ur front.

have, &c.

J. Colborne.

the most Honourable
Hanoverian Guelphic
s in the Provinces of
Government of the said

of Gosford, Captain-
and Lower Canada,
th day of December,
ding Her Majesty's
ntreal, and to arrest
the conspiracy and
which had broken
forces, according to
and expedient, for the
areas his Excellency
orders and authority
said conspiracy and
oved, yet the public
ner, and to the same
commanded me to
advice and consent
of

of Her Majesty's executive council of this province, to issue this proclamation, to the end that it be made manifest, that I shall arrest and punish, and cause to be arrested and punished, all persons who have been anywise acting, aiding, and assisting in the said conspiracy and rebellion, or who may be anywise acting, aiding, or assisting in any other conspiracy and rebellion within the said district of Montreal, according to martial law, either by death or otherwise, as to me shall seem right and expedient, for the punishment of all rebels in the said district.

Given under my hand and seal at arms, at the Government House, in the city of Montreal, in the province of Lower Canada, the 27th day of February, in the year of our Lord, 1838, and in the first year of Her Majesty's reign.

By his Excellency's command,

D. Daly, Secretary of the Province.

— No. 8. —

COPY of a DESPATCH from Lieutenant-General Sir J. Colborne, G. C. B., to Lord Glenelg.

Government House, Montreal, 3 March, 1838.

I HAVE the honour to acquaint you, that the parties of rebels from Lower Canada which for several weeks had been at Plattsburg and Champlain, arming and preparing to enter the province, crossed Lake Champlain on the night of the 27th ultimo, and entered this province from Alburg in Vermont on the 28th. They did not, however, move more than a mile beyond the frontier.

The Missisquoi volunteers quickly assembled to attack them, and Lieutenant-colonel Booth advanced from St. John with the 43d Regiment to Henryville early on the 1st, with the intention of intercepting them on their march; but they repassed the line the same day, and surrendered their arms to General Wool, of the United States army.

I transmit to your Lordship the accompanying copy of a letter from that officer, by which it appears, that he has arrested Côte and Doctor Robert Nelson, the leaders of the rebel force, and disarmed their followers.

It appears that the rebels had with them about 1,500 stand of arms, three field pieces, and a large quantity of ammunition.

General Wool, I believe, has used every exertion to prevent the organization of the rebels, and to seize the arms with which they have been supplied by the Americans.

I also forward the accompanying reports from officers commanding in the western district, at Toronto, at Kingston, and other stations in Upper Canada.

Your lordship will find from them that a combined attack has been made by the brigands from the United States on the two provinces. The attempt to invade the western, Niagara, and eastern districts of Upper Canada, and the Missisquoi frontier in Lower Canada, have been feeble; but they have afforded the militia and volunteers another opportunity of showing their loyalty and attachment to the mother country.

The whole population, however, is kept in a state of continual excitement by this description of warfare carrying on by the brigands on the frontier, and it has already caused an enormous expense; for, while the provinces are menaced with attack, the services of the militia and volunteers cannot be dispensed with.

I forward with this despatch two printed papers that have been distributed by the rebels along the frontier.

I have, &c.

(signed) J. Colborne.

Enclosure 1, in No. 8.

Sir,

Head-quarters, Montreal, 28 February 1838.

I HAVE the honour to acquaint you, that during the last week I received frequent reports from the officers commanding at Kingston and Gananoqui and other towns of the Johnston and eastern districts of Upper Canada, that armed parties were assembling on the southern side of the St. Lawrence, at Ogdensburgh, Morristown, Water Town, and French Creek, with the intention of making an attack on Kingston and Gananoqui.

The whole of the population of the Midland, Johnstone, and Eastern districts having been kept in a state of constant alarm, there has been a rush of the militia and volunteers, with their usual zeal and loyalty, towards the points menaced with attack. On the 21st instant a considerable number of brigands were collected at French Creek, chiefly from Ogdensburgh

357.

c 2

LOWER
CANADA.

No. 7.

Sir J. Colborne to
Lord Glenelg
28 February 1838.

Encl. in No. 7.

No. 8.

Sir J. Colborne to
Lord Glenelg
3 March 1838.

Enclosure, No. 5.

Enclosures,
Nos. 2, 3 & 4.

Enclosures,
Nos. 6 & 7.

Encl. 1, in No. 8.

LOWER
CANADA.

No. 8.
Sir J. Colborne to
Lord Glenelg,
3 March 1838.

Encl. 1, in No. 8.

12

CORRESPONDENCE RELATIVE TO THE

and Water Town, the arsenals of Russell and Water Town, it is said, having been previously broken open and plundered; and on the 22d about 400 or 500 of this rabble left French Creek, and proceeded to Hickory Island (British territory), a small island about four miles from Gananoqui, the remainder proceeded to Grindstone Island, but on hearing that a large British force was posted at Gananoqui and Kingston to receive them, they returned to French Creek, and dispersed. A few persons were taken on Hickory Island.

The accompanying documents contain a detailed account of this affair, and the proceedings of the brigands menacing our frontier.

Yesterday information was sent to me from Plattsburgh, from several respectable citizens of the United States, that all the leaders of the rebels, many Lower Canadians and Americans, had quitted Plattsburgh in 40 sleighs, each with a blanket and with arms, and that they were proceeding to Alburg, or Hog Island, in Missisquoi Bay and Highgate, and last night an aide-de-camp arrived from General Wool, with a communication from him, referring me to Captain Smith, his aide-de-camp, and to Mr. Cady, the brother of the United States marshal, for important intelligence. These gentlemen corroborated the account of the movement of the rebels and Americans which I had received in the morning, and acquainted me that Elizabeth Town arsenal, in Essex county, had been broken open, and robbed of 1,000 stand of arms; that General Wool had captured one field piece and some ammunition, but that he had not force sufficient to protect the Vermont frontier.

It is evident, therefore, that these repeated violations of neutrality must produce serious consequences, if the United States government has not the power to control the rabble which has been acting against us on our extensive frontier, with great perseverance, for more than two months.

The general officers who have been employed by the United States have all exerted themselves to preserve the neutrality, but have not a sufficient force to repress the disorders to which I advert.

To the Right Hon. Henry S. Fox,
&c. &c. &c.

I have, &c.
(signed) J. Colborne.

Enclosure 2, in No. 8.

Encl. 2, in No. 8.

My dear Sir,
The despatch, of which the accompanying is a copy, is the latest which I have received from Colonel Maitland at Amherstburgh. I hasten to forward it, with its enclosure from Colonel Townshend, without comment.

I feel concerned to be obliged to say, that a band of about 250 brigands, with two pieces of artillery (one a three-pounder only) attempted to cross on the ice from a place nearly eight miles west of Buffalo to Point Abino, about ten miles from Fort Erie, on the British shore of Lake Erie, a short time since; and that, although Colonel Worth, of the American army, pursued them as soon as he heard of the movement, with a body of the United States army, &c. they found means to effect their escape, Colonel Worth having been able to effect the capture of the two pieces of artillery only. I have been importuned to send a company of the 24th regiment to support the militia on the Niagara frontier; but as there are but four companies only of that regiment at Toronto, I have declined breaking up that small force, particularly as the state trials will commence here on the 8th proximo, and have ordered three companies of an efficient corps of militia volunteers, under a good field officer, to form the reinforcement.

Lieut-General Sir John Colborne,
&c. &c. &c.

Yours truly,
(signed) C. Foster.

Enclosure 3, in No. 8.

Encl. 3, in No. 8.

Sir,
I HAVE the honour to inform you that information reached me yesterday afternoon, about three o'clock, that a considerable body of piratical rebels from Detroit, had entered the British territories on this frontier, and taken possession of Her Majesty's island, called Fighting Island.

This island is a long strip of land, situate between Sandwich and Amherstburgh, about eight miles from hence; from the best information I could collect, the rebels there were reported to number from 300 to 500 men, well provided with arms, ammunition, and provisions; as I was given to understand, reinforcements of men and cannon were expected at the island immediately, to strengthen their position; and fearing that such would doubtless be the case, I determined to dislodge them, I determined to lose no time in sending a detachment of troops to drive them off the island; at three o'clock this morning, I despatched to the village opposite that place two companies, one of Her Majesty's 32d regiment, and one ditto of the 83d regiment, accompanied by a nine-pounder, under the command of Captain Glasgow, of the Royal Artillery.

I directed Lieutenant-colonel Elliot, commanding the militia force at Sandwich, to meet this detachment at the village with about 250 of his men: the whole were accordingly assembled, and, under the command of Colonel Townshend, of Her Majesty's 24th regiment,

ment, with
accomplish
you will
request
his Ex
I trust t
have been
outier po
to keep th
received, I
force sai
neighbourh
may say,
no more t
up, which
should the
There is
to notice;
American
were captu
that on the
permitted
thence on
authorities
Britain and
conduct of
practised u
much to be
Since wr
waited upo

Commandi

Sir,
I HAVE t
with an esc
reconnoiter
ascertain th
them. Fin
with the m
for the purp
force, for th
me with fro
ment, the t
the Royal
six, A. M.;
between 30
fire on the
ice; and I
results, the
On conce
any point t
passage; w
the island,
Captain I
former being
shore, with
extended or
This adv
did not give
have so acti
fight again
than was sh
aspersers.
The flight
only dischar
kind; togeth
357.

id, having been previously of this rabble left French island about four miles out on hearing that a large number of them, they returned to try Island.

this affair, and the pro-

eral respectable citizens of Canadians and Americans, with arms, and that they Highgate, and last night from him, referring me to the account of the morning, and acquainted me open, and robbed of piece and some ammunition.

ty must produce serious to control the rabble at perseverance, for more

s have all exerted themselves to repress the disorders to

I have, &c.
(signed) J. Colborne.

28 February 1838.
at which I have received with its enclosure from

glands, with two pieces of a place nearly Fort Erie, on the British shore, of the American side of the United States. I have been able to effect to send a company of militia; but as there declined breaking up on the 8th proximo, I have sent a good number of volunteers, under a good

Yours truly,
(signed) C. Foster.

25 February 1838.
day afternoon, about 10 o'clock, had entered the enemy's island, called

Amherstburg, about the rebels there were munition, and provisions were expected at such would doubtless no time in sending this morning, I de-Majesty's 32d regiment, under the com-

Sandwich, to meet the rebels accordingly Majesty's 34th regiment,

ment, with instructions from me to the above effect, and which I am happy to say he has accomplished (and the troops have returned to their quarters at twelve o'clock this day), as you will see by the enclosed report, directed to me, which, together with my letter, I have requested you will lay before his Excellency the Lieutenant-governor of the province, as also his Excellency the Lieutenant-general commanding.

I trust this trifling affair will check the proceedings of the lawless banditti which of late have been the means of much disappointment and annoyance by keeping the troops on this frontier perpetually in expectation of an attack; the last three nights I have been obliged to keep the soldiers in readiness to move at a moment's call; last night, from reports I received, I had every reason to expect that I should have been attacked at Amherstburg by a force said to be collected, amounting from 1,500 to 2,000 men at Munroe, and in that neighbourhood; from the credible sources I derived these accounts it obliges me to be, I may say, in hourly expectation of the advance of the rebels; but I regret to say they do no more than repeat these threats, and which will no doubt continue until the ice breaks up, which at present in this neighbourhood is firm from the opposite shore all around us; should they have the temerity to try an attack, I am in every way prepared for them.

There is an important circumstance connected with this affair, which I deem it my duty to notice; the individuals dislodged from Fighting Island by the Queen's troops are chiefly American citizens; and further, that the arms in their possession, a few stands of which were captured, are new United States muskets, and marked accordingly; and, strange to say, that on the evacuation of the island by these people, it is a remarkable fact, that they were permitted to return to the American shore, where they formed in line, and opened a fire from thence on Her Majesty's troops, and this without obstruction on the part of the American authorities; whatever may be the professed desire to preserve the neutrality between Great Britain and the United States, or the orders given for enforcing it, my opinion is, that the conduct of the authorities in this instance partakes more of connivance at the outrages daily practised under their own eye, than of the smallest effort to prevent those occurrences so much to be complained of.

Since writing the above I have ascertained from the United States officers who have waited upon me, that several of the rebels were severely wounded by the cannon shot.

I have, &c.

(signed) John Maitland,
Lieut.-Colonel Commanding 32d Regiment,
and Colonel Commanding.

To Colonel Foster,
Commanding the Troops, U. C. &c. &c. Toronto.

Enclosure 4, in No. 8.

Sir,

Amherstburg, 25 February 1838.

Encl. 4, in No. 8.

I HAVE the honour to report, that agreeable to your instructions, I last night proceeded with an escort of the St. Thomas volunteer cavalry to the Petite Cote, for the purpose of reconnoitering the position of Fighting Island, then in the possession of the rebels, and to ascertain the practicability of passing troops over the ice for the purpose of dislodging them. Finding that Colonel Elliott, commanding at Sandwich, had returned to his post with the militia and volunteers under his command, I immediately despatched a dragoon for the purpose of recalling him, and desiring that he would meet me with all his disposable force, for the purpose of co-operating with the regular troops you were so good as to entrust me with from this garrison; the latter consisting of Captain Browne's company, 32d regiment, the 83d company under Lieutenant Kelsall, and Captain Glasgow's detachment of the Royal Artillery, with one nine-pounder, joined me this morning at about half-past six, A. M.; the former, under Colonels Elliott and Aikin, arrived about seven, amounting to between 300 and 400 men. I immediately gave instructions to Captain Glasgow to open a fire on the enemy, who were seen in great numbers on the banks of the island and on the ice; and I have great satisfaction in adding that his practice was attended with the best results, the enemy being much discomposed by the precision and rapidity of the fire.

On concentrating my forces, I immediately adopted the resolution of passing the ice at any point that might be found practicable, much doubt existing as to the safety of the passage; we, however, were fortunate in selecting one at which to cross in single files below the island, the enemy, I have reason to believe, supposing such an event impossible.

Captain Browne, with the company of the 32d, leading the way followed by the 83d; the former being the first over I directed to keep the outskirts of the island facing the American shore, with a view of intercepting the retreat of the rebels, while the latter moved in extended order through the brushwood, flanked and supported by the militia and volunteers.

This advance was executed with regularity and order, and I only regret that the enemy did not give us the opportunity of disproving to the American nation and the rebels, who have so actively disseminated the libel, "that the militia of the Upper Province would not fight against them," as I can safely say I never witnessed more alacrity and zeal displayed than was shown on this occasion by that body, or greater anxiety to encounter their foul aspersers.

The flight of the rebels was most precipitate, leaving behind them one gun, which was only discharged once, various arms, rifles, muskets, pistols, swords, and provisions of every kind; together with powder, shot, and other munitions. I beg to observe of the muskets, that they

LOWER
CANADA.

No. 8.

Sir J. Colborne to
Lord Glenelg.
4 March 1838.

Encl. 4, in No. 8.

they were of the United States army, and perfectly new, not having been fired, and apparently just taken out of the boxes which were found in their camp. Of the provisions, too, I must add, that they were in many cases of a quality different to what would be furnished for the use of troops, consisting of crackers in barrels, boxes of smoked herrings, &c., and such as would have been contributed by a sympathizing public rather than by a commissariat.

The most pleasing, and yet most difficult part of my duty, remains to be performed, viz the calling your attention to the steadiness and general good conduct of the troops employed on this occasion, and the alacrity and zeal evinced by the large body of volunteers and militia that responded to my call.

Where every one vied in the discharge of the duties assigned to them, it would be invidious in me to particularize, but I must be excused if I mention the zealous co-operation of the following officers commanding corps: Colonels Elliott and Askin, of the 2d Essex militia; Captain Glasgow, of the Royal Artillery; Captain Ermatinger, of the St. Thomas volunteer cavalry; and Lieutenant-Colonel Prince, who, though not commanding, was conspicuous as a volunteer. I also beg to call your attention to the alacrity with which the Indians of the neighbourhood turned out to our assistance; it is, perhaps, worthy of remark, that on the rebels retiring to the American shore, they there formed themselves into platoons and fired several rounds on us, but without effect.

I have, &c.
(signed) H. D. Townshend,
Major 24th Regiment and Colonel.

Colonel the Hon. John Maitland, 32d Regiment,
Commanding, Amherstburg.

Enclosure 5, in No. 8.

To his Excellency Sir John Colborne, Commander-in-chief, &c. &c.

Encl. 5, in No. 8.

I HAVE the honour to inform your Excellency that Doctors Nelson and Côté, this day, about two o'clock p.m., near the Canada line, about one mile north of Alburgh Springs, surrendered themselves to me with all their forces, cannon, small-arms, and ammunition.

Doctor Nelson and other leaders are in my possession, and will be delivered to the civil authorities of the United States to-morrow morning, to be dealt with according to the laws.

I have now only time to add, that the frontier of this state, as well as the northern frontier of New York, is entirely tranquilized, and in no danger of being again soon disturbed.

Lieutenant Sawyer of the United States navy, will have the honour to deliver this communication.

I have, &c.
(signed) John E. Wool,
Brigadier-General Commanding.

Enclosure 6, in No. 8.

PROCLAMATION, NO. 1.

PEOPLE OF CANADA.

Encl. 6, in No. 8.

WE have been oppressed by the hand of a transatlantic power, and unjustly and cruelly castigated with the rod of unrelenting misrule for a long series of years, so long that the measure of tyranny has filled to overflowing. We unceasingly, but in vain, have attempted to bridle a bad government, rescind bad laws, enact such as would cause our institutions to emerge from the mire of ancient vassalage and rise to the level of those which characterize the recent government of the 19th century. We now are compelled, by the force of tyranny and contrary to our sentiments, to appeal to the force of arms, in order that we may acquire and secure to us such rights as are due to a deserving and free people; nor shall we lay down our arms down, until we shall have secured to our country the blessings of a patriotic and sympathizing government.

To all such persons as aid us in these our patriotic exertions, we extend the hand of fraternity and fellowship; and to such as shall persist in the blind, headlong, plundering, sanguinary, and incendiary course that has, to our sorrow and the suffering of our aged people, our women and our children, so disgracefully stamped the heedless career of Sir John Colborne, the commander of the British forces, and his adherents, we shall, in self-defence and in common justice to our people and our cause, inflict the retaliation which their own terrific example has set before us; but, as there are many persons who now repent of their conduct and of the vandalism of their associates, a course which has driven us to war, and as our sense of humanity, of justice, and of honour, is cast in a different mould from that of our oppressors, we cannot reconcile to our principle, or to the morals that elsewhere than in the English government in Canada distinguish the age we live in, to exercise their savage example towards them.

We the
property,
promise w
efficiently
secured by
By order

We have
recorded in
1st chap
continually
humble pe
national in
our reve
arrested g
the count
whose tra
lined our
longer sub
plied out
people of
as to put
created, a
of justice,
and secure
declare—

1. That
pance to
Canada is
2. That
may declar
3. That
ights; th
same right
4. That
person sh
by his con
5. That
such tenu
6. That
people of
due, or ob
existing.
7. That
8. That
shall be s
this purpo
9. That
murder.
10. Tha
in offices to
11. Tha
affairs.
12. Tha
and liberal
lature of th
13. Tha
people, an
country wi
14. Tha
15. Tha
present div
convention
country, a
according
16. Tha
voting as l

We

357.

having been fired, and appa-
camp. Of the provisions, too,
at to what would be furnished
of smoked herrings, &c., and
public rather than by, a com-

remains to be performed, viz
conduct of the troops employed
large body of volunteers and

ned to them, it would be invi-
on the zealous co-operation of
skin, of the 2d Essex militia
of the St. Thomas volunteer
manding, was conspicuous
y with which the Indians of
y, worthy of remark, that on
themselves into platoons and

ave, &c.
H. D. Townshend,
th Regiment and Colonel.

chief, &c. &c.

Vermont; 1 March 1838.
Nelson and Côté, this day,
north of Alburgh Springs,
l-arms, and ammunition.
will be delivered to the civil
with according to the laws,
te, as well as the northern
anger of being again soon
honour to deliver this com-

er-General Commanding.

er, and unjustly and cruelty
of years, so long that the
out in vain, have attempted
id cause our institutions to
of those which characterise
ed, by the force of tyranny
order that we may acquire
e people; nor shall we lay
blessings of a patriotic and

s, we extend the hand of
nd, headlong, plundering,
the suffering of our aged
heedless career of Sir John
s, we shall, in self-defence
tialiation which their own
s who now repent of their
has driven us to war, and
ferent mould from that of
als that elsewhere than in
s, to exercise their savage

We therefore solemnly promise to afford security and protection, both in person and property, to all such as shall lay down their arms and otherwise cease to oppress us, a promise which our character and the known moral and peaceable habits of our native people sufficiently guarantees; nor shall we lay down our arms until we shall have effected and secured the object of our first proclamation.

By order of the Provisional Government of the State of Lower Canada,

Robert Nelson,
Commander-in-chief of the Patriot Army

Enclosure 7, in No. 8.

DECLARATION.

WHEREAS the solemn covenant made with the people of Lower and Upper Canada, and recorded in the Statute Book of the United Kingdom of Great Britain and Ireland, as the 31st chapter of the Act passed in the 31st year of the reign of King George 3d, hath been continually violated by the British Government and our rights usurped; and whereas our humble petitions, addresses, protests, and remonstrances against this injurious and unconstitutional interference have been made in vain, that the British Government hath disposed of our revenue without the constitutional consent of the local legislature, pillaged our treasury, arrested great numbers of our citizens and committed them to prison, distributed through the country a mercenary army, whose presence is accompanied by consternation and alarm, whose track is red with the blood of our people, who have laid our villages in ashes, profaned our temples, and spread terror, and waste through the land; and whereas we can no longer suffer the repeated violations of our dearest rights, and patiently submit the multiplied outrages and cruelties of the government of Lower Canada, we, in the name of the people of Lower Canada, acknowledging the decrees of a Divine Providence, which permits us to put down a Government which hath abused the object and intention for which it was created, and to make choice of that form of government which shall re-establish the empire of justice, assume domestic tranquillity, provide for common defence, promote general good, and secure to us and our posterity the advantage of civil and religious liberty, solemnly declare—

1. That from this day forward the people of Lower Canada are absolved from all allegiance to Great Britain, and that the political connexion between that power and Lower Canada is now dissolved.
2. That a republican form of government is best suited to Lower Canada, which is this day declared to be a republic.
3. That under the free government of Lower Canada all persons shall enjoy the same rights; the Indians shall no longer be under any civil disqualification, but shall enjoy the same rights as all other citizens of Lower Canada.
4. That all union between Church and State is hereby declared to be dissolved, and every person shall be at liberty freely to exercise such religion or belief as shall be dictated to him by his conscience.
5. That the feudal or seigniorial tenure of land is hereby abolished as completely as if such tenure had never existed in Canada.
6. That each and every person who shall bear arms, or otherwise furnish assistance to the people of Canada in this contest for emancipation, shall be and is discharged from all debts due, or obligations real or supposed, for arrearages in virtue of seigniorial rights heretofore existing.
7. That the *Douaire Coutumier* is for the future abolished and prohibited.
8. That imprisonment for debt shall no longer exist, excepting in such cases of fraud as shall be specified in an act to be passed hereafter by the legislature of Lower Canada for this purpose.
9. That sentence of death shall no longer be passed nor executed, except in case of murder.
10. That mortgages on landed estate shall be special, and to be valid shall be enregistered in offices to be created for this purpose by an act of the legislature of Lower Canada.
11. That the liberty and freedom of the press shall exist in all public matters and affairs.
12. That trial by jury is guaranteed to the people of Lower Canada in its most extended and liberal sense in all criminal suits, and in civil suits above a sum to be fixed by the legislature of the state of Lower Canada.
13. That as general and public education is necessary and due by the government to the people, an act to provide for the same shall be passed as soon as the circumstances of the country will permit.
14. That to secure the elective franchise all elections shall be had by ballot.
15. That with the least possible delay the people shall choose delegates according to the present division of the country into counties, towns, and boroughs, who shall constitute a convention or legislative body, to establish a constitution according to the wants of the country, and in conformity with the disposition of this declaration, subject to be modified according to the will of the people.
16. That every male person of the age of 21 years and upwards shall have the right of voting as herein provided, and for the election of the aforesaid delegates.

No. 8.
Sir J. Colborne
to Lord Glenelg,
3 March 1838.

Encl. 6, in No. 8.

Encl. 7, in No. 8.

LOWER
CANADA.

No. 8.
Sir J. Colborne to
Lord Glenelg,
3 March 1838.

Encl. 7, in No. 8.

16

CORRESPONDENCE RELATIVE TO THE

17. That all crown lands, also such as are called clergy reserves, and such as are nominally in possession of a certain company of landholders in England, called the "British North American Land Company," are of right the property of the state of Lower Canada except such portions of the aforesaid lands as may be in possession of persons who hold the same in good faith, and to whom titles shall be secured and granted by virtue of a law which shall be enacted to legalize the possession of and afford a title for such untitled lots of land in the townships as are under cultivation or improvement.

18. That the French and English languages shall be used in all public affairs. And for the fulfilment of this declaration, and for the support of the patriotic cause in which we are now engaged, with a firm reliance on the protection of the Almighty and the justice of our conduct, we, by these presents, solemnly pledge to each other our lives, our fortunes, and our most sacred honour.

By order of the Provisional Government,

Robert Nelson, President.

— No. 9. —

EXTRACT of a DESPATCH from Lieutenant-General Sir J. Colborne, G. C. B., to Lord Glenelg, dated Government House, Montreal, 9 March 1838.

No. 9.
Sir J. Colborne to
Lord Glenelg,
9 March 1838.

I HAVE the honour to transmit to you the accompanying copy of a letter from Colonel Maitland, dated 4th March 1838, reporting the result of an able and gallant attack which he made on a party of brigands from Sandusky Bay, in the State of Ohio, who had taken possession of Point Pelé Island, in Lake Erie, about 40 miles from Amherstburgh.

Our frontier is at present so closely watched and guarded by the volunteer corps of both provinces, that no serious impression can be made by the parties of brigands that are carrying on the piratical mode of warfare along our extended line; but I trust that the late disgraceful acts on the part of the lawless population of the neighbouring States, will compel the American Government to adopt effectual measures to prevent a repetition of the outrages which have been committed by the citizens of the United States.

Enclosure in No. 9.

Encl. in No. 9.

Sir,
WHEN I wrote you on Sunday last, announcing the defeat of the pirates at Fighting Island, I did not think I should have to report to you another instance of a British island being taken possession of in this quarter.

Early in the week I received information from different quarters, that Point Pelé Island had been taken possession of by the patriots from Sandusky Bay. This island is of considerable magnitude, being from seven to nine miles in length, and from four to five in breadth; it is situated in Lake Erie, about 40 miles from Amherstburgh, and 20 miles from the shore. I sent three or four local officers to ascertain the fact of their being there; they went close to the shore, and were fired upon; this, together with the circumstance of several people who had gone over to the island to look after their property, and who were detained by the patriots, confirmed me that the report was true. I, therefore, on Thursday afternoon, despatched Captain Glasgow, of the royal artillery, to inspect the strength of the ice, and report his opinion to me as to the practicability of moving guns and troops to that place. He returned the following day, at 12 o'clock, and reported that the ice was practicable and strong enough to pass. I therefore determined, without loss of time, to attack them by day-break the following morning; accordingly, with two guns (six-pounders), the four companies of the 32d regiment, one company of the 83d regiment, a small detachment of 30 belonging to the Sandwich troop of cavalry and St. Thomas's troop of cavalry, one company of the Essex volunteer militia, and a small party of Indians, moved that evening, under my own immediate command, 18 miles along the lake shore, where I halted for some time to rest the horses, and, at two o'clock in the morning, commenced my march on the lake ice, arriving at the island just at break of day.

I had previously arranged my plan of attack, which was as follows: I directed Captain Brown, with the first and second companies of the 32d regiment, to proceed round to the south end of the island, and take up a position on the ice to intercept any attempting to escape by that direction; he was accompanied by a detachment of about 25 men of the Sandwich and St. Thomas's cavalry. Having made this arrangement, I landed myself, with the remainder of the force and the two guns, at the north end; the rebels fled on my approach, and escaped into the woods. I was here informed by some of the loyalists who had been made prisoners by the patriots on the island, that they were in force to the amount of about 500. The troops moved on in extended order, and pursued them through the island; but, as the wood was thick, and the snow extremely deep and heavy, the men were much retarded in their progress.

The rebels, finding themselves hemmed in on every side, moved out at the south end of the island, the only place by which they could escape to the American shore, and advanced

in line,
where t
some tin
charge t
great co
stance to
On the
they suc
escaping
killed o
Captains
of whom
I regret
loss on a
that 30
some da
soldiers,
but unde
wounded
Having
the troop
to their
When
arduous
return, t
the lake
on the is
consider
My w
taking, a
Majesty
infantry,
I have
teer cur
of Sand
permissi
soldiers,
the local
I trust
that I h
Island ar
hold Brit
A larg
11 prison
about 40
I am i
on the C
their way
citizens,
their esc
I have
Excellen
Excellen
L
Colone
COPY
My
I HAV
from Ge
informin
the provi
357.

TO THE

reserves, and such as are non-
England, called the "British
of the state of Lower Canada
cession of persons who hold-
anted by virtue of a law which
for such untitled lots of land
in all public affairs.
support of the patriotic cause in
ction of the Almighty and the
ge to each other our lives, our

Robert Nelson, President.

Sir J. Colborne, G.C.B., to
real, 9 March 1838.

accompanying copy of a letter
the result of an able
from Sandusky Bay, in
Pelé Island, in Lake Erie,

guarded by the volunteer
be made by the parties
warfare along our extended
of the lawless popula-
an Government to adopt
rages which have been

th, U. C., 4 March 1838.
of the pirates at Fighting
instance of a British island

rs, that Point Pelé Island
y. This island is of consi-
and from four to five in
burgh, and 20 miles from
of their being there; they
the circumstance of several
ty, and who were detained
re, on Thursday afternoon,
e strength of the ice, and
and troops to that place.
e ice was practicable and
time, to attack them by
(six-pounders), the four
t, a small detachment of
roop of cavalry, one com-
ns, moved that evening,
where I halted for some
enced my march on the

lows: I directed Captain
to proceed round to the
recept any attempting at
of about 25 men of the
ement, I landed myself,
; the rebels fled on my
me of the loyalists who
re in force to the amount
used them through the
nd heavy, the men were

out at the south end of
an shore, and advanced
in

AFFAIRS OF LOWER CANADA, &c.

17

LOWER
CANADA..

No. 9.

Sir J. Colborne to
Lord Glenelg,
9 March 1838.

Encl. in No. 9.

in line, upwards of 300 men, well armed and organized, upon Captain Brown's detachment, where they met with the greatest resistance; a brisk fire being kept up on both sides for some time, and several of Captain Brown's detachment having fallen, he determined to charge them, which he did, and forced them back (to the wood where they retreated in great confusion) at the point of the bayonet. I particularly beg to recommend this circumstance to the notice of his Excellency the Lieutenant-General commanding.

On the road, inside of the wood, the rebels had a number of sleighs, by which means they succeeded in carrying away about 40 of their wounded men; the others succeeded in escaping at the southernmost point of the island, and got over to the American coast, leaving killed on the spot their commanding officer, a Colonel Bradley, a Major Howdley, and Captains Van Rensselaer and McKeon, and several others; some prisoners were taken, several of whom were severely wounded.

I regret to say that the taking of this island has not been gained without considerable loss on our part; and I have to request that you will report for his Excellency's information, that 30 soldiers of the 32d regiment fell in this affair, two of whom were killed, the others, some dangerously, some severely, wounded. I sincerely regret the loss of so many brave soldiers, and feel it the more, when I reflect they did not fall before an honourable enemy, but under the fire of a desperate gang of murderers and marauders. A list of the killed and wounded I have the honour herewith to enclose.

Having secured the woods, and satisfied myself that the island was cleared, I re-formed the troops, and, about five o'clock in the evening, proceeded back, and the soldiers returned to their quarters, at Amherstburgh, that night.

When you take a view of the circumstances of this affair, I need hardly detail to you the arduous duties the soldiers have had to perform, from the time they left this until their return, travelling, as they did, 40 miles in an excessively cold night, 20 of which were across the lake; accomplishing the object I had in view, namely, liberating the loyalists detained on the island, gaining possession of the place, restoring it to the proprietors, defeating, with considerable loss, the enemy, and returning again to their barracks, within 30 hours.

My warmest thanks are due to the whole of the officers who supported me in this undertaking, and it is impossible for me, in words, to do justice to the gallant soldiers of Her Majesty's royal artillery, 32d regiment, 83d regiment, and the loyal volunteers of cavalry, infantry, and the few Indians, who constituted the force under my command.

I have to regret that Mr. Thomas Parish, a private in the Saint Thomas' troop of volunteer cavalry, was killed in the rear of the 32d regiment by a musket shot. Colonel Prince, of Sandwich, Mr. Sheriff Lachlan, Captain Girty, and several other gentlemen, asked my permission to accompany me, which they did, and gallantly acted with their rifles, with our soldiers, against the rebels in the wood; I found them very useful from their knowledge of the locality of the place.

I trust this second repulse on this frontier of the American banditti (let it be understood that I have it from satisfactory authority that the whole of the gang driven from Pelé Island are American citizens), will be a lesson to them, that they are not with impunity to hold British territory.

A large tri-coloured flag, with two stars, and the word "liberty" worked upon it, and 11 prisoners, were also taken, some of whom state that they were formerly on Navy Island; about 40 American muskets, some ammunition, swords, &c., were also taken.

I am informed by the prisoners that it was the decided intention of these people to land on the Canadian shore last night, and march upon Amherstburgh, destroying by fire on their way all the houses, &c., they had to pass, and for which six sleigh loads of American citizens, from Sandusky Bay, had joined them the night previous to my attack, and made their escape back again immediately on my appearance in front of the island.

I have the honour to request that you will lay the substance of this letter before his Excellency the Lieutenant-Governor, and forward it to Montreal, for the information of his Excellency the Lieutenant-General commanding.

I have, &c.

(signed) John Maitland,

Lieut.-Col. Commanding 32d Regiment, and Col. Commanding Western Frontier.

Colonel Foster, Commanding Forces in Upper Canada,
&c. &c. &c.

— No. 10. —

(No. 9.)

COPY of a DESPATCH from Lieutenant-General Sir John Colborne, G.C.B.,
to Lord Glenelg.

My Lord,

I HAVE the honour to acquaint you that I have received a communication from General Wool of the United States army, a copy of which is annexed, informing me of the desire of many of the Canadians at Champlain to return to the province. The petitioners have no claim to our compassion, as it is only
357.

D

since

No. 10.

Sir J. Colborne to
Lord Glenelg,
19 March 1838.

Enclosure, No. 1.
13 March 1838.

LOWER
CANADA.

No. 10.
Sir J. Colborne to
Lord Glenelg,
19 March 1838.

Enclosure No. 2.
25 February 1838.

18

CORRESPONDENCE RELATIVE TO THE

since the failure at Alburg that they have made their request. I have, however made arrangements for their reception.

I transmit to you a copy of an intercepted letter from Dr. Robert Nelson to Mr. Ryan, late of Quebec, forwarded to me by General Wool.

I have, &c.
(signed) J. Colborne.

Enclosure 1, in No. 10.

To His Excellency Sir John Colborne, Commander-in-Chief of the British Forces in the Canadas, &c.

Head Quarters, Champlain, N. Y.,
13 March 1838.

Encl. 1 in No. 10. I HAVE the honour herewith to transmit to your Excellency a petition signed by 20 Canadians, who are desirous of returning to their homes and country. The petitioners are called common Canadians, many of whom, however, as I am informed, have farms and families. Believing that much good would result to both countries if this wandering and deluded population would be permitted to return to their homes, I have encouraged the application, with a promise to intercede in their behalf. They are here with but small means, and no prospect of being able to provide for their families, consequently a prey to corrupt and designing men, who hang upon the borders of the frontier for no other purpose than to avail themselves of this floating population, whenever a favourable opportunity offers, to disturb the peace and quiet of the people on both sides of the line, with the avowed object of finally producing a war between the two countries, England and the United States. If this population could return to their homes and remain there, it would, I think, in a great degree, remove the cause of the excitement which exists among our own people on this and the Vermont frontier, and deprive Nelson, Côte, and others of a force always at hand to aid them in their designs.

With these observations, I would call your attention to the subject, with the assurance that I will co-operate to the extent of my powers in all measures tending to the peace and quiet of the frontier, and the preservation of the neutral obligations of the United States.

Mr. Thomas J. Whitesides of this town will have the honour to present this communication, at the same time will be able to give your Excellency much valuable information on the subject.

(signed) J. E. Wool, Brigadier-General,
Commanding N. F.

Enclosure 2, in No. 10.

Plattsburgh, Sunday, 26 February 1838.

Encl. 2 in No. 10.

Dear Sir,
I know not when you may receive this, but as I have very little time hereafter, I avail myself this spare moment to convey to you our request, and send a few of the proclamations of the provisional government of Lower Canada, which I am desirous you should distribute in your part of Canada to the best advantage. According to agreement, M'Kenzie, with a large force and well provided for war, took up his march on Thursday evening last towards Upper Canada. On Friday morning his army was safely encamped near Gananoqui, about 18 miles below Kingston, and last evening a slip from Montreal came to hand saying he had taken Kingston. This news we are assured was confirmed by a despatch from Sir J. Colborne to General Wool at Champlain this morning. On the first report of Upper Canada, and this morning we learn that Sir John is on his way thither, having taken the largest number of regulars he could with him. We have so arranged, that Wool and Colborne & Co. are under the firm persuasion that we have recently sent on our men and means to the assistance of M'Kenzie, and this is confirmed by the apparent absence of our men and ammunition. We are informed on this evening, Wool will move west to guard the St. Lawrence frontier, disregarding us; that will much facilitate our entry into Lower Canada on Monday night and Tuesday morning. Our force is abundant for our purpose, so, if you can possibly co-operate, our success will be of easier attainment. I would advise you to make your way with all possible speed to Three Rivers, if you have men enough, when we shall by rapid movements join you after having rescued Montreal; if your force is insufficient for this first route, then make your way to St. Hyacinth, and thence to Sorel, where you may take up quarters until you receive instructions; if again your force is still less, move on with what you can muster to Missisquoi Bay, St. John's, and La Prairie; collect all you can of fire-arms. Papineau has abandoned us, and this French bad laws. We can do well without him, and better than if we had him, a man only fit for words, but not for action. We have the most positive assurance of a lively and cordial reception on our arrival. We have named you a captain, but I do not send the commission now, it is unnecessary.

J. B. Ryan, Esq. Derby Line.

Yours, &c.
(signed) Robert Nelson.

A true copy of the original in my possession, and transmitted to Brigadier-General Wool from Troy, Vt. 7 March 1838.

(signed) H. B. Sawyer,
Lieutenant U. S. Navy.

TO THE

request: I have, however

from Dr. Robert Nelson to
General Wool.

I have, &c.
(signed) J. Colborne.

Chief of the British Forces

Quarters, Champlain, N. Y.,
13 March 1838.

I enclose a petition signed by 20
countrymen. The petitioners are
informed, have farms and
countries if this wandering and
comes, I have encouraged the
they are here with but small
families, consequently a prey to
the frontier for no other purpose
a favourable opportunity
of the line, with the avowed
England and the United States.
here, it would, I think, in a
among our own people on
others of a force always at

subject, with the assurance
res tending to the peace and
ions of the United States.
to present this communica-
each valuable information on

Wool, Brigadier-General,
Commanding N. F.

Sunday, 25 February 1838.
A little time hereafter, I avail
myself of a few of the proclamations
serious you should distribute
agreement, M'Kenzie, with a
Sunday evening last towards
encamped near Gananoqui,
Montreal came to hand saying
informed by a despatch from
you. On the first report of
possible were sent on towards
his way thither, having
We have so arranged, that
it we have recently sent on
confirmed by the apparent
evening, Wool will move
much facilitate our entry
force is abundant for our
be of easier attainment.
Three Rivers, if you have
having rescued Montreal;
way to St. Hyacinth, and
ive instructions; if again
Saisiquoi Bay, St. John's,
abandoned us, and this
invererate love of the old
on if we had him, a man
assurance of a lively and
a, but I do not send the

Yours, &c.
(signed) Robert Nelson.

Brigadier-General Wool
Major,
Lieutenant U. S. Navy.

AFFAIRS OF LOWER CANADA, &c.

19

LOWER
CANADA.

No. 11.

Sir J. Colborne to
Lord Glenelg,
30 March 1838.

— No. 11. —

(No. 17.)

COPY of a DESPATCH from Lieutenant-general Sir John Colborne, G. C. B.,
to Lord Glenelg.

My Lord,

Government House,
Montreal, 30 March 1838.

In acknowledging the receipt of your Lordship's Despatches of the 30th Decem-
ber 1837 and 30th January 1838 (Nos. 5 and 18), I beg leave to express the
great satisfaction it affords me to learn from your communications that the
measures which were carried into effect during the revolt, and the conduct of
the troops under my command, have met with the approbation of Her Majesty.

With reference to the parts of your Despatches which advert to the acts of
violence committed at St. Benoit, and to the misrepresentations of the occur-
rences, after the dispersion of the rebels, that have appeared in several public
journals, I think it necessary to describe more particularly the state of the
counties of the Lake of the Two Mountains and Terrebonne, previously to the
arrival of Her Majesty's troops, and the circumstances under which they took
possession of St. Eustache and St. Benoit.

The systematic plans for corrupting the habitants in these counties, and pre-
paring them for a change of government, had been so successfully persevered in
for many years by certain influential persons in this district, that the well-
disposed proprietors and merchants who attempted to expose their views were
insulted, proscribed, and, in many instances, their cattle injured; when the pro-
jects, however, of the revolutionists were sufficiently matured, a more open and
determined course was pursued. The loyalists, or old country men, were
informed that if they did not declare themselves for the patriots, their property
would be destroyed; and they were kept in a state of alarm by the frequent
visits of bands of Canadians, who warned them to quit their farms, and leave the
country.

Many of these unfortunate proscribed families were compelled to conceal
themselves in the woods till they had an opportunity of effecting their escape;
others assembled at some point where the old country men were in sufficient
numbers to defend themselves.

During these proceedings armed parties of the rebels, organized by their
respective captains, plundered the deserted farms; many of the sufferers of all
classes fled to St. Martin's and to Montreal; but, on the evening on which the
troops took possession of St. Eustache, the loyal inhabitants of that village and
neighbourhood, anxious to return to their homes, and to protect the remainder of
their property, followed the troops; and I believe it is not denied that the houses
which were burnt, except those that were necessarily destroyed in driving the
rebels from the fortified church, were set on fire by the loyalists of St. Eustache
and Rivière du Chêne, who had been driven from the country in October and
November.

The Royal regiment and the 32d and 83d regiments were employed, during
the night of the 13th of December, in preventing the fire from spreading; and,
with respect to the conduct of the troops, I am confident that not a rebel lost his
life, or was injured, except during the defence of the houses and church;
I heard, however, that so determined and excited were many of these deluded
men, under the command of Chénier, they continued firing at our troops, even
after the houses had been forced open and entered. Such instances of obstinacy
and desperate conduct can only be accounted for by their having been kept
constantly in a state of intoxication, and from the dread of their leaders that
should they be made prisoners they would be tried and condemned. At
St. Benoit 300 or 400 loyalists from St. Andrew's, having received arms a few
hours before their march, entered the village about midnight, and occupied the
church; and although Major Townshend, with part of the 24th, and Colonel
Maitland, with the 32d, intended to remain in their quarters at St. Benoit,
agreeably to their instructions, till after the march of the corps of volunteers on
their return to Carillon, they were prevented by the fire which suddenly broke
out from every part of the village, and which, they suppose, was effected by
the

LOWER
CANADA.

No. 11.
Sir J. Colborne to
Lord Glenelg,
30 March 1838.

Encl. No. 1, 19th
March 1838.
Encl. No. 2, 20th
March 1838.
Encl. No. 3, 24th
March 1838.
Encl. No. 4, 12th
December 1837.
Encl. No. 5, 28th
December 1837.

20

CORRESPONDENCE RELATIVE TO THE

the inhabitants from the vicinity, whose property had been plundered by the rebels.

The Canadian population of Grand Brulé, Rivière du Chêne, St. Denis and St. Charles, have been for a long time in a state of excitement, and well prepared for a revolution; and the habitants generally are so ignorant and credulous, that it will require much labour and assiduous attention on the part of the educated classes and the priests, and years of tranquillity, to remove the spirit of discontent and hatred against the British Government, which at present prevails.

A magistrate, from whom I received a report yesterday from St. Denis, describes correctly, I believe, the feeling of the habitants of this district, by stating that "The people in this quarter are like a sea after a storm, ready to be agitated again by the first change of weather."

The whole country, however, is apparently tranquil and obedient; and when it is known that a large force will be stationed in these provinces, and that no assistance can be expected from the neighbouring states, the friends of order and good government may gradually acquire that influence which the factious party maintained exclusively for more than ten years.

Few of the Canadians on the frontier have availed themselves of the offer which has been made to them, permitting their return to the province without molestation. I transmit herewith copies of the correspondence which has taken place on that subject.

I also forward for your Lordship's information, extracts of General Orders, which were issued shortly after the commencement of the revolt; and I beg to mention, that in the affair of St. Charles, Colonel Wetherall informs me that there was no instance whatever of severity on the part of the troops under his command.

The loss of the rebels was necessarily great, from their having remained in an enclosed work till the troops charged into it.

I have, &c.
(signed) J. Colborne.

Enclosure 1, in No. 11.

Encl. 1, in No. 11.

Sir,
I BEG to thank you for your communication of the 13th and 15th instant, and for the interest which you have taken in the disposal of the deluded men wandering on the frontier.

I am fully aware of the great inconvenience and disadvantage that may result from having so near us an unemployed population ready for any mischief, and I shall be glad to act immediately on your suggestion, and to make arrangements for admitting all the French Canadians at present at Champlain or, on the frontier who can be received with justice to the community.

With respect, however, to the settlers from the eastern townships residing at Troy and Derby, there appears much difficulty in sanctioning their return or any persons of that description.

The French Canadians who are desirous of returning home will be received by a magistrate at Odell Town, with a view of their being furnished with passports, if, on examination, they are not found to be very objectionable characters.

Brigadier-general Wool,
U. S. Army.

I have, &c.
(signed) J. Colborne.

Enclosure 2, in No. 11.

Encl. 2, in No. 11.

Sir,
I AM directed by his Excellency the Lieutenant general commanding to request that you will forward, with as little delay as possible, the enclosed letter to General Wool, of the United States Army, who is supposed to be at Champlain; it has reference to a number of French Canadians who have been hovering for some time on the frontier and have expressed, through General Wool, a desire to return to their homes.

As it is most desirable to remove from the frontier this restless assemblage, Sir John Colborne has acquainted General Wool that you, aided by Mr. Jobson, have instructions to receive any French Canadians at Odell Town; and if, after they are examined by you and Mr. Jobson

Mr. Jo
with p
allegian
A re
examin
lency's
pleasur
Mr.
Lieut
Comm

Rep
Colborn
vince, u
through
country
and on
the num
when w
which m
into Can
selves,
endeavo
the 23d
A. D. C.
Louis
Xavier
Emel
Louis
Abram
Louis
All of t
armed, &
the prov
and retu
men wit
conduct
able sub
and as th
of no inf
his E
his Exce

EXTRA
THE S
by the sp
had only
energy, f
will short

G. O
ALL pe
subjects,
to the co
magistrat
they will

been plundered by the
u Chêne, St. Denis and
itement, and well pre-
so ignorant and credu-
tion on the part of the
ty, to remove the spirit
ment, which at present

erday from St. Denis,
uns of this district, by
ter a storm, ready to be

and obedient; and when
provinces, and that no
the friends of order and
which the factious party

themselves of the offer
o the province without
dence which has taken

cts of General Orders,
e revolt; and I beg to
erall informs me that
the troops under his

having remained in an

have, &c.
d) J. Colborne.

treil, 19 March 1838.
th instant, and for the
men wandering on the

may result from having
I shall be glad to act
mitting all the French
eived with justice to the

residing at Troy and
or any persons of that

received by a magistrate
on examination, they

I have, &c.
ed) J. Colborne.

al, 20 March 1838.
g to request that you
General Wool, of the
rence to a number of
and have expressed,

blage, Sir John Col-
have instructions to
xamined by you and
Mr. Jobson

AFFAIRS OF LOWER CANADA, &c.

21

LOWER
CANADA.

No. 11.

Sir J. Colborne to
Lord Glenelg,
30 March 1838.

Encl. 2, in No. 11.

Mr. Jobson, they are found not to be very objectionable characters, they will be furnished with passports to return to their respective homes, after they have taken the oath of allegiance to Her Majesty.

A report should, however, first be made by yourself and Mr. Jobson of the result of your examination, accompanied by a list of the persons whom you both recommend for his Excellency's clemency; and after the report has been submitted at head-quarters, his Excellency's pleasure will be promptly communicated to you.

Mr. Jobson has been directed to proceed forthwith to Odell Town.

Lieutenant-Colonel Odell,
Commanding at Odell Town.

I have, &c.
(signed) W. P. Christie,
Prov. Mil. Sec.

Enclosure 3, in No. 11.

Odell Town, 24 March 1838.

Encl. 3, in No. 11.

REPORT of the proceedings of an examination held by order of his Excellency Sir John Colborne, Commander of the Forces, &c. &c., upon certain individuals, refugees from this province, now in the village of Champlain, in the United States of America, and who had, through General Wool, of the United States army, requested permission to return into this country; accordingly we, the examiners, met at this place on Wednesday the 21st instant, and on Thursday the 22d waited upon General Wool at Champlain, in order to ascertain the number and condition of those individuals who had applied to him for such indulgence, when we found that not more than 18 or 20 persons had made such application; out of which number it was ascertained that four or more had already left, and found their way into Canada; two or three others, from fear of the consequences, declined presenting themselves, and a few others could not be found, supposed to have gone off into the country to endeavour to find some employment; so that only six remained, which number was on Friday the 23d sent in to our frontier post in Odell Town, under the charge of a Lieutenant Smith, A. D. C., to General Wool. They are,

Louis Dumas, } of La Colle; been absent about six weeks.
Xavier Dumas, }
Emilien Roy, } of L'Acadie; ditto about nine weeks.
Louis Regnier, }
Abram Bissette, of Delery; ditto about 10 weeks.
Louis Dupuis, of St. Edouard; ditto about 3 months.

All of them, except Louis Dumas, were with the rebels at the Beech Ridge, and were all armed, a part at Alburg Springs and a part at Swanton, the evening previous to their entering the province. Xavier Dumas and E. Roy deserted from the rebel camp during the night and returned to Champlain, being convinced they were acting wrong; they are all married men with families except L. Dumas and Regnier, and all appear very penitent for their past conduct; are all willing to take the oath of allegiance, promise solemnly to remain peaceable subjects for the future, have all declared themselves perfectly sensible of their error; and as they are all men of no standing in the society to which they belong, and consequently of no influence, we respectfully beg leave to recommend them to the favourable consideration of his Excellency. In the meantime we have remanded them back to Champlain to await his Excellency's decision in their behalf. The whole, nevertheless, respectfully submitted.

(signed) T. Jobson, J. P.
Lewis Odell, Lieut.-Colonel.

Enclosure 4, in No. 11.

EXTRACT from a GENERAL ORDER, dated Head Quarters, Montreal, 12 Dec. 1837.

Encl. 4, in No. 11.

THE service upon which the troops have lately been engaged has been greatly facilitated by the spirited and unparalleled exertions of the volunteer corps of Montreal, some of which had only been embodied within the last fortnight; and his Excellency trusts that the same energy, forbearance, and discipline which has hitherto characterised the troops in general, will shortly put an end to the deplorable warfare in which they have been engaged.

(signed) John Eden,
Lieut.-Colonel, D. A. General.

Enclosure 5, in No. 11.

G. O.

Head Quarters, Montreal, 28 December 1837.

Encl. 5, in No. 11.

ALL persons unlawfully appropriating to themselves the property of any of Her Majesty's subjects, whether accused of treason or not, are to be immediately secured and committed to the common goal of this district; and the Lieutenant-general commanding enjoins all magistrates and peace officers to be vigilant in giving immediate effect to this order, in which they will be aided and assisted by all officers in command of troops.

By his Excellency's command,

(signed) John Eden, Deputy Adjutant General.

LOWER
CANADA.

No. 12.
Sir J. Colborne to
Lord Glenelg,
31 March 1838.

22

CORRESPONDENCE RELATIVE TO THE

(No. 18.)

— No. 12. —

COPY of a DESPATCH from Lieutenant-General Sir John Colborne, G. C. B.,
to Lord Glenelg.

My Lord,

Government-house, Montreal, 31 March 1838.

I HAVE the honour to acknowledge the receipt of your Despatch of the 19th ultimo, (No. 28), transmitting an Act of Parliament, intituled "An Act to make temporary Provision for the Government of Lower Canada," and also Her Majesty's Instructions under Her Majesty's sign manual to constitute a special council for the affairs of Lower Canada: and I beg to acquaint your Lordship, that, in compliance with your directions, I have taken the earliest opportunity of causing this Act to be proclaimed. A copy of the Proclamation is annexed.

27 March 1838.

I probably may be enabled to assemble the special council about the middle of next month, with a view of proposing a law to be passed for the suspension of the Habeas Corpus Act, and such other laws as circumstances may render necessary for the good government and welfare of the Province before the arrival of the Governor-general.

With reference to the political opinions of the principal parties in the Province, your Lordship must be fully aware of the difficulty of selecting persons who will in every respect be deemed fit at this crisis, to be appointed to the provisional council. I shall, however, lose no time in nominating 15 or 20 gentlemen of character and respectability, who have sufficient influence in their districts to warrant their being selected for this important office.

I have, &c.

J. Colborne.

Enclosure in No. 12.

Province of Lower Canada.

Colborne.

By his Excellency Lieutenant-general Sir John Colborne, Knight Grand Cross of the Most Honourable Military Order of the Bath and of the Royal Hanoverian Guelphic Order, Commander of Her Majesty's Forces in the Provinces of Lower Canada and Upper Canada, and Administrator of the Government of the said Province of Lower Canada, &c. &c. &c.

Encl. in No. 12.

To all to whom these presents shall come, greeting:—A Proclamation.

WHEREAS by the ninth chapter of the Statute of the Parliament of the United Kingdom of Great Britain and Ireland, intituled, "An Act to make temporary Provision for the Government of Lower Canada," passed in the first year of the reign of Our Sovereign Lady the Queen Victoria, it is among other things enacted, that the said Act shall be proclaimed by the Governor of the said province of Lower Canada, within the said province, and shall commence and take effect within the said province from the proclamation thereof: And whereas it is further enacted in and by the said Act of Parliament, that, for the purpose of that Act, any person authorized to execute the commission of Governor of the province of Lower Canada shall be taken to be the Governor thereof: And whereas I, the said Sir John Colborne, have been and am duly authorized and empowered by Our Sovereign Lady the Queen to execute the commission of Governor of the said province of Lower Canada:—Now therefore know ye that I, the said Sir John Colborne, being authorized to execute the commission of Governor within the said province, by virtue of the power and authority reposed in me by Her Majesty and of the said Act of the said Parliament, do, by this Proclamation, proclaim the said Act of the said Parliament of the United Kingdom of Great Britain and Ireland, so that the said Act of the said Parliament shall and may commence and take effect within the said province from the day of the date of these presents.

Given under my hand and seal at arms, at the Government-house, in the city of Montreal, in the province of Lower Canada, the 27th day of March, in the year of our Lord 1838, and in the first year of Her Majesty's Reign,

By his Excellency's command,

D. Daly, Secretary of the Province.

TO THE

AFFAIRS OF LOWER CANADA, &c.

23

LOWER
CANADA.

— No. 13. —

(No. 29.)

No. 13.
Sir J. Colborne to
Lord Glenelg,
23 April 1838.

John Colborne, G. C. B.,

EXTRACT of a DESPATCH from Lieutenant-General Sir John Colborne, G. C. B. to Lord Glenelg; dated Government House, Montreal, 23d April 1838.

Montreal, 31 March 1838.
Your Despatch of the 19th
intituled "An Act to make
Canada," and also Her
ual to constitute a special
acquaint your Lordship,
the earliest opportunity of
lamation is annexed.

council about the middle of
for the suspension of the
es may render necessary
before the arrival of the

al parties in the Province,
electing persons who will
ointed to the provisional
g 15 or 20 gentlemen of
ence in their districts to

I HAVE the honour to acquaint you that I opened the session of the special council at the Government House of Montreal on the 18th instant.

You will perceive from the accompanying extract of the journal of the proceedings of the council, that 18 members were present; and that five were prevented from attending by the bad state of the roads in the district of Quebec. Mr. Smith of Stanstead, who was nominated to the council, having informed me that he is unable to accept the appointment which was offered to him, and as I think it desirable that another member should be selected from the eastern townships, I have directed a communication to be made to Mr. Thomas Austin, of Lennoxville, inviting him to replace that gentleman. The council at present consists of 21 members, 11 of them are French Canadians, and two others are natives of the province.

A copy of the rules to preserve order, sanctioned by me in council, is annexed, and also a statement of the Ordinances which I have already brought forward for consideration and adoption.

Enclosure No. 1.

Enclosure No. 2.

Enclosure No. 3.

(Extract.)

Enclosure 1, in No. 13.

ANNO 1^o VICTORIÆ REGINÆ.

I have, &c.

J. Colborne.

At a session of the special council begun and holden at the Government House in the city of Montreal, in pursuance of an Act passed in the Parliament of Great Britain, intituled, "An Act to make Temporary Provision for the Government of Lower Canada," Wednesday, 18th April 1838, the following gentlemen were sworn in by commissioners as special councillors, viz., James Cuthbert, Toussaint Pothier, James Stuart, Peter M^cGill, Barthelemy Joliette, Pierre De Rocheblave, John Neilson, Samuel Gerrard, Jules Quesnel, William P. Christie, William Walker, Joseph E. Faribault, John Molson, Etienne Mayrand, Paul H. Knowlton, Turton Penn, esquires.

Encl. 1, in No. 13.

The councillors having taken their seats, his Excellency Lieutenant-general Sir John Colborne, G. C. B. and G. C. H., Administrator of the government, entered the council chamber and took his seat at the head of the council table.

His Excellency laid before the council the following documents, which were read by the clerk, viz.

- 1st. His Excellency's proclamation promulgating the imperial statute, 1 Victoria, c. 9.
- 2d. The statute 1 Victoria, c. 9.
- 3d. His Excellency's proclamation assuming the government of Lower Canada.
- 4th. His Excellency's proclamation summoning the special council to meet on this day.

Prayers.

His Excellency laid before the council the rules and orders for its government.

His Excellency was also pleased to name the Honourable James Cuthbert to preside at the council table during His Excellency's absence.

His Excellency then withdrew.

The Honourable Mr. Cuthbert having taken the chair, the rules and orders laid before the council by his Excellency were read by the clerk, *seriatim*.

It was resolved, that the rules for regulating the proceedings of the council be translated into French, and that the rules, in the English and French languages, be printed for the use of the members of the council.

The council then adjourned until to-morrow at one o'clock.

Enclosure 2, in No. 13.

RULES and ORDERS for maintaining Order and Method in the Despatch of Business in Her Majesty's Special Council for the Affairs of Lower Canada, constituted by Her Majesty under and by Virtue of the Ninth Chapter of the Statute of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first Year of Her Reign.

No. 1.—Every session of the Special Council shall be convened by proclamation issued under the Great Seal of the province 21 days before the time fixed for such session. Encl. 2, in No. 13.

No. 2.—No member shall absent himself from Council without informing the Governor of the reasons of such absence.

No. 13.
Sir J. Colborne to
Lord Glenelg,
23 April 1838.

Encl. 2, in No. 13.

CORRESPONDENCE RELATIVE TO THE

No. 3.—His Excellency the Governor, or, in his absence the presiding member, shall preside order, and shall decide on all disputed points of order.

No. 4.—As soon as five Special Councillors and the Governor, or, in his absence, the presiding member, shall be present, after the hour appointed for the meeting of the Council, the Governor, or in his absence, the presiding member, will take the chair and prayers having been first read, the Governor, or in his absence, the presiding member, will direct the clerk, or in his necessary absence, the assistant clerk, to begin the proceedings of the day by reading the minutes of the last Council, which having been approved, are to be confirmed by the Governor, or in his absence, the presiding member.

No. 5.—No law or ordinance shall be made unless the same shall be first proposed by the Governor for adoption by the Council.

No. 6.—With the exception of questions of privilege, which shall take precedence of all others, and the presentation of petitions (hereinafter provided for), all business shall be taken in the order in which it appears on the "order-book," unless by permission of the Governor, on good reasons being shown for such deviation.

No. 7.—Every motion and amendment must be in writing, and must be seconded before it can be submitted to the Governor, or in his absence, to the presiding member.

No. 8.—No member shall be allowed to read any speech.

DISCUSSION,

No. 9.—If two or more members rise to speak at the same time, the Governor, or in his absence, the presiding member, shall call on the person entitled, in his opinion, to precedence.

No. 10.—It shall be competent to any member to divide the Council upon any Bill or question, and upon such division taking place, as upon all similar occasions, the Council is to proceed to vote (beginning with the junior Councillor present), the clerk, or in his necessary absence, the assistant clerk, minuting the vote of each member; after which the Governor, or in his absence, the presiding member, shall declare which side has the majority. Every member present is required to give his vote on every division.

No. 11.—An adjournment of the discussion may be moved by any member; but such adjournment shall not take place unless approved by the Governor, or in case of his absence, it be so determined by a majority of the members present.

No. 12.—In discussing any question, no member shall be at liberty to speak more than once (except in explanation); provided, however, that the mover of any question be allowed the privilege of reply.

No. 13.—Every member shall, in discussing any question, address the chair, and shall stand while so doing; and should he wish to allude to the speech or opinion of any other member, he must do so without naming him. Official members may be designated by their appointment.

No. 14.—All imputations of improper motives shall be considered as highly disorderly, and such conduct shall be minuted, if it shall appear to the Governor, or in case of his absence, it be so determined by a majority of the members present to be necessary.

ORDINANCES.

No. 15.—On any law or ordinance being proposed by the Governor, the clerk, or in his necessary absence, the assistant clerk shall read the title and marginal notes thereof, but it shall be competent for any member to move that the law or ordinance be read at length, and if such motion be agreed to, the same shall be read accordingly.

No. 16.—Immediately after every law or ordinance shall be read a first time, any member may move that it be read a second time, which motion having been seconded and carried, such second reading shall be had on the next day of the meeting, unless some more remote day shall be appointed for the second reading of the same.

No. 17.—Upon the second reading of every law or ordinance, any member shall be at liberty to move an amendment of such law or ordinance, and upon the motion being seconded by some other member, the several provisions of such law or ordinance and proposed amendment shall be discussed, and such discussions may be adjourned from time to time, as occasion may require.

No. 18.—The Council having resumed its sitting, the law or ordinance may be read a third time on the motion of any member.

No. 19.—After a law or ordinance has been read a third time and passed, with the Governor's assent, it shall be fairly transcribed by the clerk, and signed by his Excellency and the Great Seal of the province shall be affixed thereto.

No. 20.—No alteration shall take place on the third reading of a law or ordinance, and the only question to be put by the Governor, if he shall see fit, shall be, "That this ordinance do now pass."

THE CLERK.

No. 21.—The clerk, or in his necessary absence, the assistant clerk, shall keep an order book, in which shall be entered and numbered in succession, the subjects intended to be brought under discussion at each sitting.

No. 22.—He shall read all matters brought before the Council, he shall keep a journal of proceedings, in which shall be entered in the order of succession, all subjects brought before

before

member

No. 1

before t

No. 2

before t

tiately

chair.

No. 2

tion, it

question

A

No. 1

ances

effect.

No. 2

offices i

No. 3

and to

tioned.

No. 4

portation

No. 5

lessces.

No. 6

apprehen

No. 7

sick em

No. 8

men's w

No. 9

damage

No. 1

Receive

No. 1

claims

tural rel

COPY

M

I HA

the Sp

"An

nances

mission

"An

charged

Treaso

persons

I als

prepar

expired

May 1

357.

the presiding member, shall pre-

ernor, or, in his absence, the
for the meeting of the Council,
take the chair, and prayers
presiding member, will direct
begin the proceedings of the
been approved, are to be con-

me shall be first proposed by

a shall take precedence of all
for), all business shall be
unless by permission of the

and must be seconded before
presiding member.

me, the Governor, or in his
led, in his opinion, to pre-

the Council upon any Bill or
ar occasions, the Council is
o, the clerk, or in his nece-
member; after which the
re which side has the major-
ity division.

by any member; but such
or, or in case of his absence,
liberty to speak more than
of any question be allowed

address the chair, and shall
ch or opinion of any other
may be designated by their

dered as highly disorderly,
Governor, or in case of his
to be necessary.

ernor, the clerk, or in his
iginal notes thereof, but it
be read at length, and

and a first time, any mem-
bering been seconded and
meeting, unless some more

any member shall be at
upon the motion being
signed by his Excellency
adjourned from time to

Ordinance may be read a

ne and passed, with the
signed by his Excellency

a law or ordinance, and
all be, "That this ordi-

rk, shall keep an order
subjects intended to be

he shall keep a journal
n, all subjects brought
before

before the Council, and shall number the proceedings of each day, as of one general
number.

No. 23.—He shall take care to have every law or ordinance written in a fine text hand
before the third reading.

PETITIONS.

No. 24.—All petitions addressed to his Excellency the Governor, on laws and ordinances,
before the Governor and Council (and no other shall be received), shall be presented imme-
diately after the Governor, or in his absence, the presiding member, shall have taken the
chair.

No. 25.—When any law or ordinance to which any such petition relates is under discus-
sion, it shall be competent for any member to move that such petition be read, and then the
question shall be put whether the petition be received.

No. 13.
Sir J. Colborne to
Lord Glenelg,
23 April 1838.

Encl. 2, in No. 13.

Enclosure 3, in No. 13.

A LIST OF ORDINANCES proposed for the consideration of the Special Council.

No. 1.—An ordinance to declare and ascertain the period when the laws and ordi-
nances made and passed by the Governor and Special Council of the province shall take
effect.

Encl. 3, in No. 13.

No. 2.—An ordinance to continue two certain Acts therein mentioned, relating to registry
offices in the townships.

No. 3.—An ordinance to authorize the apprehending and detention of certain persons,
and to suspend for a limited time as to such persons a certain ordinance therein men-
tioned.

No. 4.—An ordinance to continue a certain Act therein mentioned, relating to the trans-
portation of convicts.

No. 5.—An ordinance to continue a certain Act therein mentioned, relating to lessors and
lessees.

No. 6.—An ordinance for indemnifying persons who, since a certain date, have acted in
apprehending, &c. persons suspected of high treason or treasonable practices, &c. &c.

No. 7.—An ordinance to continue a certain Act therein mentioned, providing a fund for
sick emigrants.

No. 8.—An ordinance to continue a certain Act therein mentioned, for recovering sea-
men's wages.

No. 9.—An ordinance to continue a certain Act therein mentioned, for ascertaining the
damages on protested bills of exchange.

No. 10.—An ordinance authorizing the repayment out of the monies in the hands of the
Receiver-general of this province, of certain sums advanced from the Imperial treasury.

No. 11.—An ordinance to authorize the appointment of commissioners to investigate the
claims of certain loyal inhabitants of this province for losses sustained during the late unna-
tural rebellion.

— No. 14. —

(No. 30.)

COPY of a DESPATCH from Lieutenant-General Sir John Colborne, G.C.B. to
Lord Glenelg.

Government-House, Montreal,
24 April 1838.

No. 14.
Sir J. Colborne to
Lord Glenelg,
24 April 1838.

My Lord,

I HAVE the honour to transmit herewith copies of two ordinances passed by
the Special Council for the affairs of this province, viz.

"An Ordinance to declare and ascertain the period when the Laws and Ordina-
nces made and passed by the Governor, or Person authorized to execute the Com-
mission of Governor and Special Council of this Province shall take effect;" and,

"An Ordinance to authorize the apprehending and detention of Persons
charged with High Treason, suspicion of High Treason, Misprision of High
Treason, and Treasonable Practices, and to suspend for a limited time, as to such
persons, a certain Ordinance therein mentioned."

I also forward for your Lordship's information a list, which I directed to be
prepared, of the temporary Acts of the Legislature of Lower Canada, which have
expired since the 1st of May 1832, inclusive, or may expire before the 1st of
May 1840.

I have, &c.
(signed) J. Colborne.

Enclosure No. 1.

Enclosure No. 2.

Enclosure No. 3.

No. 14.
Sir J. Colborne to
Lord Glenelg,
24 April 1838.

Enclosure 1, in No. 14.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 1.—AN ORDINANCE to declare and ascertain the period when the Laws and Ordinances made and passed by the Governor, or Person authorized to execute the Commission of Governor and Special Council of this Province, shall take effect.

Encl. 1, in No. 14.

WHEREAS it is expedient that the period from which the laws or ordinances of the Governor, or person authorized to execute the commission of Governor and Special Council ascertained; be it therefore ordained and enacted by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada," and it is hereby ordained, and enacted by the authority of the same, that the clerk of the Special Council for the affairs of this province, or, in his necessary absence, the assistant clerk of the said Special Council, shall, on every law or ordinance which shall hereafter pass or be made by the Governor, or person authorized to execute the commission of Governor of this province, with the advice and consent of the Special Council for the affairs of this province, state under his signature, as such clerk, or assistant clerk, immediately after the signature of the Governor, or person authorized as aforesaid, the day, month and year when the same shall have passed, and shall have been assented to by the Governor, or person authorized to execute the commission of Governor of the said province, and shall have had the Great Seal of the said province affixed; and such statement, under such signature, shall be taken to be a part of every such law or ordinance, and the day, month and year in such statement mentioned, shall be the date of its commencement, when no other period of commencement shall be declared or provided in and by such law or ordinance.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the province, at the Government-house, in the city of Montreal, the 23d day of April, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 2, in No. 14.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 2.—AN ORDINANCE to authorize the apprehending and detention of Persons charged with High Treason, Suspicion of High Treason, Misprision of High Treason, and Treasonable Practices, and to suspend for a limited time, as to such persons, a certain Ordinance therein mentioned.

Encl. 2, in No. 14.

WHEREAS divers persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices, are detained in prison, or in custody in this province, and it is highly expedient and necessary that means should be provided for the more easily apprehending, and more secure detention, of such persons for a limited time, and of others who may be suspected or charged with such crimes. Therefore, for the better preservation of the peace, and of the laws and liberties of this province;

Be it ordained and enacted by his Excellency the Administrator of the Government of this province, authorised to execute the Commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled, by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled "An Act to make temporary provision for the Government of Lower Canada," and it is hereby ordained and enacted by the authority of the same, that all or any person or persons that are or shall be in prison or otherwise in custody in this province, at or upon the day of the making and passing of this Ordinance, or after, by any warrant for high treason, suspicion of high treason, misprision of high treason, or treasonable practices, may be detained in safe custody, without bail or mainprize, during the continuance of this ordinance; and that no judge or justice of peace shall, during such continuance, bail or try any person or persons so committed, without an order from the Governor or person administering the government of this province, by and with the advice and consent of the Executive

**LOWER
CANADA.**

No. 14.
Sir J. Colborne to
Lord Glenelg,
24 April 1838.

Encl. 2, in No. 14.

J. Colborne.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

J. Colborne.

Enclosure 3, in No. 14.

TEMPORARY ACTS of the Legislature of *Lower Canada*, which have expired since Encl. 3, in No. 14.
1st May 1832, inclusive, or may expire before 1st May 1840.

ny, Clerk Special Council.

Enacted.		Duration.
Geo. 3, c. 20	Act to grant to Alexis Gosselin a Right of Toll over the Bridge erected on the River Boyer	1 May 1837. Expired.
Geo. 3, c. 10	Act to provide temporary Houses of Correction; amended by 58 Geo. 3, c. 14. Both these Acts continued several times, and lastly by 5 Geo. 4, c. 10, expired. This last revived, continued, and amended by 9 Geo. 4, c. 4, which, together with the 57 Geo. 3, c. 10, and the 58 Geo. 3, c. 14, have been continued by 2 Will. 4, c. 5, till	1 May 1835. Expired.
Geo. 3, c. 2	The Act 3 Geo. 4, c. 32, extends the provisions of the 57 Geo. 3, c. 10, to the town of Three Rivers. Act to provide more effectually for the Security of the Cities of Quebec and Montreal, by establishing Watch and Night Lights in the said Cities, and for other purposes, and which provides the means for defraying the expenses thereof; continued by 1 G. 4, c. 11, 3 G. 4, c. 5; continued and amended by 3 Geo. 4, c. 6. This last Act repeals sections 8 & 11 of the 58 Geo. 3; continued and amended by 5 Geo. 4, c. 1; continued and amended together with the last by 7 Geo. 4, c. 13; continued by 1 Will. 4, c. 34, and by 4 Will. 4, c. 9	1 May 1836. Expired.

(continued)

LOWER
CANADA.

No. 14.
Sir J. Colborne to
Lord Glenelg,
24 April 1838.
Ecol. 3, in No. 14.

Enacted.		Duration.
1 Geo. 4, c. 25	Act to incorporate certain persons therein named, under the name of President, Directors, and Company of the Bank of Montreal; continued and amended by 10 & 11 Geo. 4, c. 8, till	1 June 1837. Expire
1 Geo. 4, c. 26	Act for the Incorporation of certain persons therein mentioned, under the Name of the Quebec Bank; continued and amended by 1 Will. 4, c. 19, which is continued by 6 Will. 4, c. 38	1 June 1837. Expire
2 Geo. 4, c. 8	Act to extend the provisions of a certain Act therein mentioned, as far as the same relates to the Judicature in the Inferior District of Gaspé, and more effectually to provide for the due Administration of Justice in the said District; amended by 4 Geo. 4, c. 7; both continued and amended by 6 Geo. 4, c. 25; all three continued by 10 & 11 Geo. 4, c. 51; the two first continued, and the 6 Geo. 4, c. 26, amended and continued by 2 Will. 4, c. 50, and by 4 Will. 4, c. 9, and continued by 6 Will. 4, c. 54	1 May 1839.
3 Geo. 4, c. 16	Act to provide for the Inspection of Fish and Oil intended for Exportation from the ports of Quebec and Montreal. The provisions of this Act extended by 4 Geo. 4, c. 29; both continued by 6 Geo. 4, c. 18, and 7 Geo. 4, c. 16; expired; revived and continued, together with the 4 Geo. 4, c. 23, by 2 Will. 4, c. 4, and continued by 4 Will. 4, c. 9	1 May 1836. Expire
3 Geo. 4, c. 17	Act to erect certain Townships therein mentioned into an Inferior District, to be called the Inferior District of St. Francis, and to establish Courts of Judicature therein; continued and amended by 6 Geo. 4, c. 26; continued by 9 Geo. 4, c. 40, 10 & 11 Geo. 4, c. 7, 1 Will. 4, c. 34; continued and amended by 3 Will. 4, c. 18	1 May 1837, and from thence till the end of the next session of the Provincial Parliament.
3 Geo. 4, c. 32	Act to extend certain provisions contained in an Act passed in the 57th year of the reign of His late Majesty, intituled, "An Act to provide temporary Houses of Correction in the several Districts of this Province;" continued by 6 Geo. 4, c. 10, expired; revived by 9 Geo. 4, c. 4; continued by 2 Will. 4, c. 8, till	May 1835. Expired.
4 Geo. 4, c. 2	Act to repeal a certain Act therein mentioned, and to provide for the Police of the Borough of William Henry and certain other Villages in this Province; continued by 6 Geo. 4, c. 27; continued and amended by 10 & 11 Geo. 4, c. 37, and by 2 Will. 4, c. 8; expired; revived and amended by 6 Will. 4, c. 46	May 1840.
4 Geo. 4, c. 3	Act to authorize the erecting of a Common Gaol in the Inferior District of St. Francis, and for providing the means of defraying the Expenses thereof, and for other purposes - The rates and duties imposed by this Act shall be levied during 15 years; 5 Geo. 4, c. 26, has relation to it.	May 1839.

LOWER
CANADA.

No. 14.
Sir J. Colborne to
Lord Glenelg,
24 April 1838.

Encl. 3, in No. 14.

Duration.	Enacted.		Duration.
1 June 1837. Expired.	4 Geo. 4, c. 15	Act to render valid certain Acts, Agreements in writing, and Contracts of Marriage, heretofore executed in the Inferior District of Gaspe, and to provide for the want of Notaries in the said Inferior District. The 10th clause of this Act is temporary; continued by 7 Geo. 4, c. 1, 9 Geo. 4, c. 66, and by 3 Will. 4, c. 5; expired; revived and amended by 6 Will. 4, c. 52 - - -	May 1840.
1 June 1837. Expired.	5 Geo. 4, c. 3	Act to make certain Alterations in the Road Laws; continued by 9 Geo. 4, c. 34, to - - -	1 May 1833. Expired.
	6 Geo. 4, c. 6	Act to amend an Ordinance made and passed in the 25th year of His late Majesty's reign, intituled, "An Ordinance concerning Advocates, Attornies, Solicitors, and Notaries, and for the more easy collection of His Majesty's Revenue" - - -	1 May 1832. Expired.
1 May 1839.	7 Geo. 4, c. 3	Act more effectually to provide for the maintenance of good order in Churches, Chapels, and other Places of Public Worship, and for other purposes therein mentioned; continued by 10 & 11 Geo. 4, c. 21, by 4 Will. 4, c. 9, and by 6 Will. 4, c. 32 - - -	1 May 1840.
	7 Geo. 4, c. 11	Act to provide Regulations concerning the Beaches and Landing-places in Quebec; continued by 9 Geo. 4, c. 35; amended and continued by 2 Will. 4, c. 9, and by 4 Will. 4, c. 9 - - -	1 May 1836. Expired.
1 May 1836. Expired.	9 Geo. 4, c. 3	Act to exempt from Seizure in satisfaction of Judgment, the Bedding and necessary Wearing Apparel of Debtors; continued by 3 Will. 4, c. 11 - - -	1 May 1837. Expired.
1 May 1837, as from thence till the end of the next session of the Provincial Parliament.	9 Geo. 4, c. 8	Act to authorize the Prothonotaries or Clerks of the Civil Courts of this Province to number and authenticate (<i>parapher</i>) the Registers of Baptisms, Marriages, and Burials required by Law to be kept; to receive the advice of relations and friends (" <i>Favis des parens et amis</i> ," in certain cases, and to issue writs of <i>capias ad respondendum</i> and attachment without the <i>fiat</i> of a Judge - - -	1 May 1833. Expired.
	9 Geo. 4, c. 11	Act for the better Regulation of the Lumber Trade; amended by 2 Will. 4, c. 25, and continued to - - -	1 May 1834. Expired.
May 1835. Expired.	9 Geo. 4, c. 16	Act to increase the number of Assessors for the Cities of Quebec and Montreal; continued by 1 Will. 4, c. 34, by 4 Will. 4, c. 9, and by 6 Will. 4, c. 32 - - -	1 May 1840.
	9 Geo. 4, c. 17	Act to appropriate certain Sums of Money towards the Macadamizing and Improving certain Roads near Quebec, and to lay out certain new Roads - - -	1 May 1832. Expired.
May 1840.	9 Geo. 4, c. 20	Act to provide for the more effectual Extinction of Secret Incumbrances on Lands, than was heretofore in use in this Province; continued by 4 Will. 4, c. 9, and by 6 Will. 4, c. 32 - - -	1 May 1840.
May 1839.	9 Geo. 4, c. 27	Act to prevent fraudulent Debtors evading their Creditors in certain parts of this Province; expired. Revived by 3 Will. 4, c. 5, and continued by 6 Will. 4, c. 32 - - -	1 May 1840.

(continued)

LOWER
CANADA.

No. 14.
Sir J. Colborne to
Lord Glenelg,
24 April 1838.
Encl. 3, in No. 14.

30

CORRESPONDENCE RELATIVE TO THE

Enacted.		Duration.	
9 Geo. 4, c. 28	Act to facilitate the Proceedings against the Estates and Effects of Debtors in certain cases; continued by 3 Will. 4, c. 3, and by 6 Will. 4, c. 32	1 May 1840.	1 Will. 4.
9 Geo. 4, c. 33	Act for regulating the Fees of Grand Voyers, and the Costs of Proceedings relating to <i>Procès Verbaux</i>	1 May 1833. Expired.	1 Will. 4.
9 Geo. 4, c. 36	Act to suspend, for a limited time, certain Acts therein mentioned, and to regulate in a better manner the Inspection of Pot and Pearl Ashes; continued by 2 Will. 4, c. 10	1 May 1836. Expired.	1 Will. 4.
9 Geo. 4, c. 51	Act for the Preservation of the Salmon Fisheries in the Counties of Cornwallia and Northumberland; continued by 1 Will. 4, c. 34, by 4 Will. 4, c. 9, and by 6 Will. 4, c. 32	1 May 1840. 1 May 1832. Expired.	1 Will. 4.
9 Geo. 4, c. 52 9 Geo. 4, c. 57	Act towards encouraging the Fisheries - Act to suspend for a limited time, certain Ordinances therein mentioned, as far as the same relate to the City of Montreal, and to establish a Society therein for preventing Accidents by Fire; as amended by 1 Will. 4, c. 30	1 May 1844. Expired.	1 Will. 4.
10 & 11 Geo. 4, c. 3	Act to provide for the better Defence of the Province, and to regulate the Militia thereof; continued by 2 Will. 4, c. 55, by 4 Will. 4, c. 9, and by 6 Will. 4, c. 43	1 May 1838.	1 Will. 4.
10 & 11 Geo. 4, c. 4	Act to restrain all Persons from undermining the Cliffs on which the Fortifications of Quebec are constructed	1 May 1833. Expired.	1 Will. 4.
10 & 11 Geo. 4, c. 8	Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi; amended by 1 Will. 4, c. 3	1 May 1838.	1 Will. 4.
10 & 11 Geo. 4, c. 8	Second Section altered by 2 Will. 4, c. 7; (expired). Provisions extended by 4 Will. 4, c. 6	1 May 1838.	1 Will. 4.
10 & 11 Geo. 4, c. 9	Act to authorize the expenditure of a certain Sum of Money, and to grant certain powers to the Commissioners of the Lachine Canal. Revived and continued by 2 Will. 4, c. 28, to (The permanent Act 6 Will. 4, c. 22, supersedes this, except as to the modes of settling certain disputes between Commissioners and persons interested. The other Acts relating to said Canal are either superseded by said Act, or are permanent, except in as far as the object of each is accomplished.)	1 May 1835. Expired.	2 Will. 4.
10 & 11 Geo. 4, c. 10	Act to amend an Act passed in the 34th year of the reign of his Majesty George the Third, intituled, "An Act for the division of the Province of Lower Canada, to amend the Judicature thereof, and to repeal certain Laws therein mentioned, inasmuch as the same relate to the Courts of Criminal Jurisdiction;" continued by 3 Will. 4, c. 3, and by 6 Will. 4, c. 32	1 May 1840.	2 Will. 4. 2 Will. 4. 2 Will. 4.
1 Will. 4, c. 2	Act to facilitate the administration of Justice respecting <i>Enquêtes</i> in civil matters before the Court of King's Bench for the Districts of Quebec, Montreal, Three Rivers, and for the Inferior District of St. Francis; continued by 2 Will. 4, c. 6, by 4 Will. 4, c. 9, and by 6 Will. 4, c. 32	1 May 1840.	1 Will. 4.

LOWER
CANADA.

No. 14.

Sir J. Colborne to
Lord Glenelg,
24 April 1858.

Encl. 3, in No. 14.

Duration.	Enacted.		Duration.
1 May 1840.	Will. 4, c. 4	Act to exempt from Seizure in satisfaction of Judgment certain articles therein mentioned; continued by 3 Will. 4, c. 11	1 May 1837. Expired.
1 May 1833. Expired.	Will. 4, c. 6	Act to encourage the Destruction of Wolves; continued by 3 Will. 4, c. 3, and by 6 Will. 4, c. 32	1 May 1840.
1 May 1836. Expired.	Will. 4, c. 11	Act to authorize the Commissioners appointed under a certain Act passed in the 11th year of the Reign of His late Majesty, intituled, "An Act to provide for the Improvement and Enlargement of the Harbour of Montreal," to borrow an additional sum of money, and for other purposes therein mentioned. Section 4 limits the duration of the powers of the Commissioners; continued by 3 Will. 4, c. 3	1 May 1835. Expired.
1 May 1840.	Will. 4, c. 27	Act to repeal a certain Act or Ordinance therein mentioned, and to provide effectual regulations concerning the practice of Physic, Surgery and Midwifery	1 May 1837. Expired.
1 May 1832. Expired.	Will. 4, c. 28	Act to suspend certain parts of an Ordinance therein mentioned, intituled, "An Ordinance for regulating the Markets of the towns of Quebec and Montreal, in the Province of Quebec;" continued by 6 Will. 4, c. 32	1 May 1840.
1 May 1838.	Will. 4, c. 52	Act to incorporate the City of Quebec, amended by 3 Will. 4, c. 6	1 May 1836 } Expired.
1 May 1833. Expired.	Will. 4, c. 54	Act to incorporate the City of Montreal	1 May 1838 }
1 May 1838.	Will. 4, c. 8	Act to make better provision with regard to Appeals from the Provincial Court of the Inferior District of St. Francis, to establish Circuits therein, and to extend the benefits of Trial by Jury to the said Inferior District	-- 1 May 1837, and thence till the end of the next Session of the Provincial Parliament.
1 May 1838.	Will. 4, c. 10	Act to establish Boards of Health within this Province, and to enforce an effectual system of Quarantine	1 Feb. 1833. Expired.
1 May 1835. Expired.	Will. 4, c. 17	Act to create a fund for defraying the expense of Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to their Place of Destination;" continued by 6 Will. 4, c. 13	1 May 1836.
	Will. 4, c. 21	Act to repeal an Ordinance therein mentioned, and to provide more ample regulations respecting Land Surveyors, and the Admeasurement of Lands	1 May 1840.
	Will. 4, c. 22	Act to regulate the Qualification and Summoning of Jurors in Civil and Criminal Matters	1 May 1835. Expired.
	Will. 4, c. 24	Act to repeal in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the City of Montreal	1 May 1837. Expired.
	Will. 4, c. 26	Act to repeal certain Acts therein mentioned, and for the further encouragement of Elementary Schools in the country parts of this Province; amended by 3 Will. 4, c. 4, and continued by 4 Will. 4, c. 9	1 May 1836. Expired.
1 May 1840.	Will. 4, c. 32	Act to compel Wharfingers and others to advertise Unclaimed Goods in their possession; continued by Will. 4, c. 9, and by 6 Will. 4, c. 32	1 May 1840.

No. 14.
Sir J. Colborne to
Lord Glenelg,
24 April 1838.
Encl. 3, in No. 14.

Enacted.		Duration
2 Will. 4, c. 33	Act to repeal a certain Act therein mentioned, and to provide for the more certain and expeditious Distribution of the Printed Acts of the Legislature of this Province; continued by 6 Will. 4, c. 32	1 May 1840.
2 Will. 4, c. 37	Act to suspend for a limited time certain Ordinances therein mentioned, as far as the same relate to the City of Quebec, and to establish a Society therein for preventing Accidents by Fire	1 May 1834. Expired
2 Will. 4, c. 42	Act to authorize the appointing of Courts of Inquiry for investigating the Qualification of Militia Officers in certain cases; continued by 4 Will. 4, c. 9, and by 6 Will. 4, c. 43	1 May 1838.
2 Will. 4, c. 44	Act to amend the Act passed in the 36th year of His Majesty King George the Third, intituled, "An Act for making, altering and repairing the Highways and Bridges in this Province, and for other purposes," and to make further Regulations concerning Roads and Bridges	1 May 1836. Expired
3 Will. 4, c. 63	Act for the protection of Copyrights	1 May 1840.
2 Will. 4, c. 60	Act to encourage the establishment of Banks for Savings in this Province	1 May 1837. Expired
2 Will. 4, c. 66	Act to authorize the erection of Court Houses and Gaols in the Counties of this Province, and for other purposes therein mentioned; amended by 4 Will. 4, 8	1 May 1840.
3 Will. 4, c. 1	Act to regulate the exercise of certain rights of Lessors and Lessees	1 May 1838.
3 Will. 4, c. 14	Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a time, the provisions of two other Acts therein mentioned for more effectually ascertaining the damages on protested Bills of Exchange, and for terminating Disputes relating thereto, and for other purposes	1 May 1838.
3 Will. 4, c. 26	Act to establish a Fire Society in the Borough of Three Rivers, and to suspend two certain Ordinances as far as they relate to the said Borough	1 May 1838.
3 Will. 4, c. 32	Act to incorporate certain persons therein mentioned, under the name of the "City Bank," to be established in Montreal	1 May 1837. Expired
4 Will. 4, c. 7.	Act to make more ample provision for the Encouragement of Agriculture	1 May 1840.
4 Will. 4, c. 26	Act to make provision for indemnifying Pilots while detained in Quarantine; continued by 6 Will. 4, c. 32	1 May 1840.
4 Will. 4, c. 28	Act to regulate the manner of proceeding upon Contested Elections of Members to serve in the House of Assembly, and to repeal certain Acts therein mentioned; disallowed by Proclamation, 9 February 1837. The former Acts had been continued by 4 Will. 4, c. 9, to	1 May 1836. Expired
4 Will. 4, c. 33	Act to authorize the establishment of Mutual Fire Insurance Companies; continued and amended by 6 Will. 4, c. 33	- The end of the Session of the P. Parl. next after 1 May 1839
4 Will. 4, c. 1	Act for the transportation of certain Offenders from this Province to England, to be thence again transported to New South Wales or Van Diemen's Land	1 May 1836.

Will. 4.

Will.

Will.

Will. 4.

Will.

Will. 4.

Will. 4.

Will. 4.

Will. 4.

Will. 4.

Will. 4.

Will. 4.

Will. 4.

Will. 4.

Will. 4.

Will. 4.

Will. 4.

Will. 4.

N. B. -

purposes,

the enactments

were temporary

House of

31

LOWER
CANADA.

No. 14.

Sir J. Colborne to
Lord Glenelg,
24 April 1838.

Encl. 3, in No. 14.

Duration	Enacted.	Duration.
1 May 1840.	Will. 4, c. 2 - Act to grant an allowance to the Members of the Assembly	-- End of the present Parliament.
1 May 1834. Expired	Will. 4, c. 5 - Act to authorize the Sale and Disposal of certain Goods unclaimed and remaining in the possession of the Clerks of the Peace in this Province	1 May 1840.
1 May 1838.	Will. 4, c. 8 - Act to appoint Commissioners to treat with Commissioners appointed or to be appointed, on the part of the Province of Upper Canada, for the purpose therein mentioned	1 May 1838.
1 May 1838.	Will. 4, c. 9 - Act to prevent Debtors from wasting or diminishing the Value of the Immoveable Property under seizure, to the injury of their Creditors	1 May 1839.
1 May 1836. Expired	Will. 4, c. 12 - Act to provide for the establishment of Normal Schools	- 5 and 3 years for certain allowances.
1 May 1840.	Will. 4, c. 14 - Act for the further regulation of Taverns and Tavern-Keepers, and for other purposes therewith connected	1 May 1838.
1 May 1837. Expired	Will. 4, c. 15 - Act for making certain Regulations respecting the Office of Sheriff	1 May 1840.
1 May 1840.	Will. 4, c. 16 - Act for the qualification of the Justices of the Peace	1 May 1840.
1 May 1838.	Will. 4, c. 19 - Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes as Clerks or Bailiffs, in certain cases	1 May 1840.
1 May 1840.	Will. 4, c. 24 - Act to regulate and establish the Salaries of the Officers of the Customs at the Inland Ports in this Province, and for other purposes therein mentioned	1 May 1840.
1 May 1838.	Will. 4, c. 26 - Act to prevent the fraudulent Seizure and Sale of Lands and other Real Property within this Province	1 May 1840.
1 May 1838.	Will. 4, c. 27 - Act for the more easy and less expensive decision of differences between Masters and Mistresses, and their Servants, Apprentices, and Labourers in the Country parts of this Province	1 May 1840.
1 May 1838.	Will. 4, c. 28 - Act to provide less expensive means for the Recovery of Wages due to Seamen of Vessels belonging to or registered in this Province	1 May 1838.
1 May 1837. Expired	Will. 4, c. 34 - Act to repeal certain Acts therein mentioned, and to consolidate the Provisions therein made for the Encouragement of useful Arts in this Province	1 May 1840.
1 May 1840.	Will. 4, c. 35 - Act to provide for the Medical Treatment of Sick Mariners	1 May 1840.
1 May 1840.	Will. 4, c. 36 - Act to regulate the Measurement of Coals	1 May 1840.
1 May 1840.	Will. 4, c. 37 - Act for the better Regulation of the Fisheries in the Inferior District of Gaspé	1 May 1840.

N. B.—This list does not include temporary Acts of appropriation for charitable or other purposes, nor certain Acts (as that for the encouragement of education) in which, though the enactments are permanent, they can have no effect for want of the appropriations, which are temporary.

House of Assembly, Quebec,
31 March 1838.

No. 15.
Sir J. Colborne to
Lord Glenelg,
27 April 1838.

(No. 34.)

— No. 15. —

COPY of a DESPATCH from Lieutenant-General Sir *John Colborne*, G. C. B.,
to Lord *Glenelg*.

Government House, Montreal,
27 April 1838.

My Lord,
I HAVE the honour to acquaint you, that, in consequence of the continued
tranquil state of the province, I have this day issued, with the advice of the
Executive Council, a proclamation revoking martial law in the district of
Montreal.

I have, &c.
(signed) *J. Colborne*.

— No. 16. —

No. 16.
Sir J. Colborne to
Lord Glenelg,
30 April 1838.

(No. 36.)

COPY of a DESPATCH from Lieutenant-General Sir *John Colborne*, G. C. B.,
to Lord *Glenelg*.

Government House, Montreal, 30 April 1838.

My Lord,
I HAVE the honour to transmit for your Lordship's information, copies of several
ordinances passed by the Special Council since the date of my Despatch, No. 30;
viz.

Enclosure No. 1.

No. 3.—An Ordinance to continue a certain Act therein mentioned, making
provision for the assistance of sick and indigent emigrants.

Enclosure No. 2.

No. 4.—An Ordinance to continue certain Acts of the Legislature of this
Province relating to the establishment of registry offices.

Enclosure No. 3.

No. 5.—An Ordinance to continue a certain Act, intitled, "An Act to regu-
late the exercise of certain Rights of Lessors and Lessees."

Enclosure No. 4.

No. 6.—An Ordinance to continue a certain Act therein mentioned, intitled,
"An Act to provide less expensive means for the Recovery of Wages due to
Seamen of Vessels belonging to or registered in this Province."

Enclosure No. 5.

No. 7.—An Ordinance to authorize the appointment of Commissioners to
investigate the claims of certain loyal inhabitants of this Province, for losses
sustained during the late unnatural rebellion.

Enclosure No. 6.

No. 8.—An Ordinance to continue a certain Act therein mentioned, intitled,
"An Act for the Transportation of certain Offenders from this Province to
England, to be thence again transported to New South Wales or Van Diemen's
Land."

Enclosure No. 7.

No. 9.—An Ordinance to continue a certain Act therein mentioned, relating
to protested bills of exchange.

Enclosure No. 8.

No. 10.—An Ordinance for indemnifying persons who, since the 1st of October
1837, have acted in apprehending, imprisoning, or detaining in custody persons
suspected of high treason or treasonable practices, and in the suppression of
unlawful assemblies, and for other purposes therein mentioned.

Enclosure No. 9.

No. 11.—An Ordinance authorizing the repayment, out of the monies in the
hands of the Receiver-general of this province, of certain sums advanced from
the Imperial Treasury.

Enclosure No. 10.

No. 12.—An Ordinance to make provision for defraying the civil expenditure
of the Provincial Government, from the 1st of April 1837 to the 10th of April
1838.

Enclosure No. 11.

No. 13.—An Ordinance to continue for a limited time certain Acts of the
Legislature of this Province, relative to the district of St. Francis.

I have, &c.
(signed) *J. Colborne*

Cap. 3.—

WHEREAS
Lower Canada
Fourth, intitled
Assistance for
to the place
said province
William the
Second Year
of providing
description of
the 1st day
lency the ad-
mission of the
affairs of the
an Act of the
first year of
vision for the
authority of the
second year
to create a
and of enable
which would
in force until

Ordned
great seal of
April, in the
Great Britain
Lord 1838.

Cap. 4.—

WHEREAS
Lower Canada
Fourth, intitled
Sherbrooke,
another Act
Majesty King
11th year of
in the Coun-
extend the
and passed
intituled, "
Counties of
Free and Co-
otherwise ex-
Be it ther-
ment of this
the advice
and assem-
Kingdom of
Majesty, in
Canada;" a
said Act of
Offices in the

AFFAIRS OF LOWER CANADA, &c.

35

LOWER
CANADA.

No. 16.

Sir J. Colborne to
Lord Glenelg,
30 April 1838.

Encl. 1, in No. 16.

Enclosure 1, in No. 16.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 3.—AN ORDINANCE to continue a certain Act therein mentioned, making Provision for the Assistance of Sick and Indigent Emigrants.

WHEREAS it is expedient to continue a certain Act of the Legislature of the province of Lower Canada, passed in the second year of the reign of his late Majesty King William the Fourth, intituled, "An Act to create a Fund for defraying the Expense of providing Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to the place of their destination," which was continued by the Act of the Legislature of the said province, made and passed in the sixth year of the reign of his said late Majesty King William the Fourth, intituled, "An Act to continue for a limited time an Act passed in the Second Year of his Majesty's reign, intituled, 'An Act to create a Fund to defray the Expense of providing Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to their place of destination,'" and which would otherwise expire on the 1st day of May, in the year 1838: Be it therefore ordained and enacted by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the authority of the same, that the said Act of the Legislature of the said province, passed in the second year of the reign of his late Majesty King William the Fourth, intituled, "An Act to create a Fund to defray the Expense of providing Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to their place of Destination," which would otherwise expire on the 1st day of May now next ensuing, shall continue to be in force until the 1st day of May in the year 1839, and no longer.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in special council, under the great seal of the province, at the Government-house, in the city of Montreal, the 28th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 2, in No. 16.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 4.—AN ORDINANCE to continue certain Acts of the Legislature of this Province, relating to the Establishment of Registry Offices.

WHEREAS it is expedient to continue a certain Act of the Legislature of the province of Lower Canada, passed in the 11th year of the reign of his late Majesty King George the Fourth, intituled, "An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi," in so far as the same is now in force; and another Act of the same Legislature, made and passed in the first year of the reign of his late Majesty King William the Fourth, intituled, "An Act to amend an Act passed in the 11th year of the reign of his late Majesty, intituled, 'An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi,' and to extend the Provisions of the said Act;" and also another Act of the same Legislature, made and passed in the fourth year of the reign of his late Majesty King William the Fourth, intituled, "An Act to extend the Provisions of the Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi, to Lands held in Free and Common Socage in the Counties of Two Mountains and Acadie," which would otherwise expire on the 1st day of May, in the year 1838:

Be it therefore ordained and enacted by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of Lower Canada, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that the said Act of the Legislature of the said province, intituled, "An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi," in

357,

F 2

80

LOWER
CANADA.

No. 16.

Sir J. Colborne to
Lord Lowther,
30 April 1838.

Encl. 2, in No. 16.

so far as the same is now unrepealed and in force, and the said Act of the same Legislature of the said province, intituled, "An Act to amend an Act passed in the 11th year of the reign of his late Majesty, intituled, 'An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi,' and to extend the Provisions of the said Act," save and except the second section of the said last-mentioned Act; and also the said Act of the same Legislature, intituled, "An Act to extend the Provisions of the Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi, to Lands held in Free and Common Socage in the Counties of Two Mountains and Acadie," which said Acts would otherwise expire on the 1st day of May now next ensuing, shall severally continue to be in force, until the 1st day of November, which will be in the year of our Lord 1842, and no longer.

Provided always, that nothing in this Act contained, shall extend, or be construed to extend, to continue the second section of the said Act secondly above mentioned, passed as aforesaid, in the first year of his said late Majesty William the Fourth, which said second section is in the words following, to wit,

"And be it further enacted by the authority aforesaid, that every person owning or claiming to own any landed or immoveable property whatsoever, situate within any of the said counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missisquoi, by virtue of any Act or deed in law, or instrument in writing, executed before the passing of the Act herein cited and amended, except the letters patent of his Majesty, shall, before the 1st day of May 1832, enregister the same in the registry-office of the county in which such land or immoveable property shall be situate, and every such legal instrument, which shall not be so enregistered, shall be utterly void and of no effect whatsoever against subsequent purchasers for a valuable consideration." But that the said section of the said Act, from and after the 1st day of May next, shall expire and cease to have any force or effect whatsoever.

J. Colborne.

Ordered and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 3, in No. 16.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 5.—AN ORDINANCE to continue a certain Act, intituled, "An Act to regulate the Exercise of certain Rights of Lessors and Lessees."

Encl. 3, in No. 16.

WHEREAS it is expedient to continue a certain Act of the Legislature of the province of Lower Canada, passed in the third year of the reign of his late Majesty King William the Fourth, intituled, "An Act to regulate the Exercise of certain Rights of Lessors and Lessees," which would otherwise expire on the 1st day of May, in the year 1838: Be it therefore ordained and enacted, by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that the said Act of the Legislature of the said province, passed in the third year of the reign of his late Majesty King William the Fourth, intituled, "An Act to regulate the Exercise of certain Rights of Lessors and Lessees," which would otherwise expire on the 1st day of May now next ensuing, shall continue to be in force until the 1st day of May 1839, and no longer.

J. Colborne.

Ordered and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

W
Low
Four
to Se
expir
Be
ment
advic
assem
drom
intitu
and it
the Le
King
Recov
which
to be i

Ord
the gr
day of
God of
of our

Cap.
Clu
late

W
sustained
property
inquiry si
his Excel
the comm
Council f
the autho
of the rei
the Gover
of the sam
person ad
great seal
be to inqu
tural reb
have occa
said suffer

And be
sioners, be
one of He
the said p
I, A. B.
impartially
certain loy
God.

And be
be lawful
and require
examine, to
powers ver

ct of the same Legislature
ed in the 11th year of the
ry Offices in the Counties
to extend the Provisions of
tioned Act; and also the
Provisions of the Act to
oke, Stanstead, Shefford,
Counties of Two Moun-
t day of May now next
November, which will be

or be construed to extend,
mentioned, passed as afore-
which said second section

every person owning or
situate within any of the
Missisquoi, by virtue of
the passing of the Act
shall, before the 1st day
ty in which such land or
ment, which shall not be
against subsequent pur-
of the said Act, from and
orce or effect whatsoever.

J. Colborne.

Special Council, under the
Montreal, the 26th day
e, by the grace of God of
orth, in the year of our

Clerk Special Council.

An Act to regulate the

ature of the province of
Majesty King William the
of Lessors and Lessees,"
of 1838: Be it therefore
overnment of this prov-
of, with the advice and
stituted and assembled
of the United Kingdom
ent Majesty, intituled,
ver Canada;" and it is
said Act of the Legis-
his late Majesty King
ertain Rights of Lessors
now next ensuing, shall

J. Colborne.

Special Council, under
of Montreal, the 26th
ictoria, by the grace of
d so forth, in the year

er Clerk Special Council.

AFFAIRS OF LOWER CANADA, &c.

Enclosure 4, in No. 16.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 6.—AN ORDINANCE to continue a certain Act therein mentioned, intituled, "An Act to provide less expensive means for the Recovery of Wages due to Seamen of Vessels belonging to, or registered in this Province."

WHEREAS it is expedient to continue a certain Act of the Legislature of the province of Lower Canada, passed in the sixth year of the reign of his late Majesty King William the Fourth, intituled, "An Act to provide less expensive means for the Recovery of Wages due to Seamen of Vessels belonging to, or registered in this Province," which would otherwise expire on the 1st day of May in the year 1838:

Be it therefore ordained and enacted, by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that the said Act of the Legislature of the said province, passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled, "An Act to provide less expensive means for the Recovery of Wages due to Seamen of Vessels belonging to, or registered in this Province," which would otherwise expire on the first day of May now next ensuing, shall continue to be in force until the first day of November 1842, and no longer.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 5, in No. 16.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 7.—AN ORDINANCE to authorize the appointment of Commissioners to investigate the Claims of certain loyal Inhabitants of this Province, for losses sustained during the late unnatural Rebellion.

WHEREAS during the late unnatural rebellion, certain loyal inhabitants of this province, sustained much loss and damage, by the destruction of their dwellings, buildings, and other property and effects by the rebels; and whereas it is expedient, that a diligent and impartial inquiry should be made into the amount of such losses: Be it therefore ordained and enacted by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue of, and under the authority of an Act of the Parliament of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted by the authority of the same, that it shall and may be lawful for the governor of this province, or for the person administering the government thereof, from time to time, by commission under the great seal of the said province, to appoint three persons as commissioners, whose duty it shall be to inquire into the losses sustained by Her Majesty's loyal subjects during the late unnatural rebellion, and also into the means which may be possessed by the parties, who may have occasioned such losses, to indemnify the sufferers, and the legal recourse which the said sufferers may have against the said parties.

And be it further ordained and enacted by the authority aforesaid, that the said commissioners, before they enter upon the execution of their office, shall take an oath before any one of Her Majesty's justices of any one of Her Majesty's Courts of Queen's Bench within the said province, and which he is hereby authorized to administer to the following effect: I, A. B., do swear that, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the duty of commissioner for ascertaining losses sustained by certain loyal inhabitants of this province, during the late unnatural rebellion. So help me God.

And be it further ordained and enacted by the authority aforesaid, that it shall and may be lawful to and for the said commissioners, and they are hereby authorized and empowered and required to examine upon oath all persons whom the said commissioners shall think fit to examine, touching all such matters and things as shall be necessary for the execution of the powers vested in the said commissioners by this Act, and all such persons are hereby directed

LOWER
CANADA.

No. 16.

Sir J. Colborne to
Lord Lowther,
30 April 1838.

Encl. 4, in No. 16.

Encl. 5, in No. 16.

LOWER
CANADA.

No. 16.

Sir J. Colborne to
Lord Glenelg,
30 April 1838.

Encl. 3, in No. 16.

directed and required personally to attend the said commissioners, at such time and place as they shall appoint.

And be it further ordained and enacted by the authority aforesaid, that the said commissioners be authorized, and they are hereby authorized, to meet and sit, from time to time, at such place or places as the governor, or person administering the government of this province, may direct, with or without adjournment, and to send their precept or precepts under their hand and seal, for any person or persons whatsoever, and for such books, papers, writings, or records, as they judge necessary for their information, or the execution of the powers vested in the said commissioners by this Act.

And be it further ordained and enacted by the authority aforesaid, that it shall and may be lawful for the governor, or person administering the government of this province for the time being, by an instrument under his hand and seal at arms, to appoint a clerk and messenger to the said commissioners, and the same from time to time to remove, and others to appoint in their stead.

And be it further ordained and enacted by the authority aforesaid, that the said commissioners shall, from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examination and proceeding, by virtue of this Act, and without any further requisition, furnish an account of their proceedings in writing to the governor, or person administering the government of the said province for the time being.

And be it further ordained and enacted by the authority aforesaid, that in case any person or persons upon examination upon oath before the said commissioners respectively as before mentioned, shall wilfully and corruptly give false evidence, every such person so offending, and being duly convicted thereof, shall be, and is and are hereby declared to be subject and liable to such pains and penalties, as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable.

And be it further ordained and enacted by the authority aforesaid, that the clerk of the said commissioners, shall and he is hereby required faithfully to execute and perform the trust in him reposed, without taking anything for such service, other than such salary and reward as the governor, or person administering the government for the time being, shall think fit to direct and appoint in that behalf.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April, in the 1st year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 6, in No. 16.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 8.—AN ORDINANCE to continue a certain Act therein mentioned, intituled, "An Act for the Transportation of certain Offenders from this Province to England, to be thence again transported to New South Wales or Van Diemen's Land."

Encl. 6, in No. 16.

WHEREAS it is expedient to continue a certain Act of the Legislature of the province of Lower Canada, passed in the sixth year of the reign of his late Majesty King William the fourth, intituled, "An Act for the Transportation of certain Offenders from this Province to England, to be thence again transported to New South Wales or Van Diemen's Land," which would otherwise expire on the 1st day of May, in the year of our Lord 1838: Be it therefore ordained and enacted, by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that the said Act of the Legislature of the said province, passed in the sixth year of the reign of his late Majesty King William the Fourth, intituled, "An Act for the Transportation of certain Offenders from this Province to England, to be thence again transported to New South Wales or Van Diemen's Land," which would otherwise expire on the 1st day of May now next ensuing, shall continue to be in force until the 1st day of November, which will be in the year of our Lord 1843, and no longer.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Cap. 9.—

WHEN
Lower C
Fourth,
mentione
two other
ested Bi
poses,"
Be it the
of this p
advise an
assemble
United K
Majesty,
Canada,
Act of th
Majesty
Act or O
time the
the Dam
and for c
ensuing,

Ordain
great sea
April, in
Great Br
Lord 183

Cap. 10
have
High
and

WHEN
Montreal
destroy th
insurgent
occasions
diately be
sary for j
vince, and
hending,
in the sai
dangerous
the purpo
peace of
whereas s
theless j
harmless,
might oth
Administ
the Gove
of the sa
Act passe
first year

357.

at such time and place

that the said commis-
sioner, from time to time, at
the request of this province,
or precepts under their
seals, papers, writings, or
in the presence of the powers vested

that it shall and may
be of this province for the
purpose of appointing a clerk and
for removing, and others

that the said commis-
sioner shall be thereunto
authorized and proceed-
ing in an account of their
conduct in the government of the said

that in case any person
shall respectively as before
mentioned person so offending,
shall be liable to be subject and
convicted of wilful

that the clerk of the said
Council shall perform the trust
and such salary and reward
as he being, shall think fit

J. Colborne.

Special Council, under the
great seal of the province, at
Montreal, the 26th day
of April, by the Grace of God
and in the year of our

Clerk Special Council.

ed, intituled, "An Act
in relation to the Province
of England, to be thence

ture of the province of
Lower Canada, by His
Majesty King William the
Fourth, in the third year
of his said Majesty's said
Majesty, in the first year
of the reign of our Sovereign
Lady Victoria, by the Grace
of God and in the year of
our Lord 1838: Be it
therefore ordered and enacted,
by His Excellency the Adminis-
trator of the Government of
this province, constituted and
assembled by virtue and under
the authority of an Act passed
by the Parliament of the
United Kingdom of Great
Britain and Ireland, in the
first year of the reign of
Her present Majesty, intitu-
led, "An Act to make tem-
porary Provision for the
Government of Lower Cana-
da," and it is hereby enacted
and ordained by the authority
of the same, that the said
Act of the Legislature of the
said province, passed in the
third year of the reign of
his late Majesty King Wil-
liam the fourth, intituled,
"An Act further to suspend
certain parts of an Act or
Ordinance therein men-
tioned, and to consolidate
and further to continue for
a limited time the Provi-
sions of two other Acts
therein mentioned, for
more effectually ascertain-
ing the Damages on Pro-
tested Bills of Exchange,
and for determining Dis-
putes relating thereto,
and for other purposes;"
which would otherwise
expire on the 1st day of
May now next ensuing,
shall continue to be in
force until the 1st day of
November 1842, and no
longer.

J. Colborne.

Special Council, under
the great seal of the
province, at Montreal,
the 26th day of April,
by the Grace of God
and in the year of our

Clerk Special Council.

AFFAIRS OF LOWER CANADA, &c.

39

LOWER
CANADA.

No. 16.

Sir J. Colborne to
Lord Glenelg,
30 April 1838.

Encl. 7, in No. 16.

Enclosure 7, in No. 15.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 9.—AN ORDINANCE to continue a certain Act therein mentioned, relating to Protested Bills of Exchange.

WHEREAS it is expedient to continue a certain Act of the Legislature of the province of Lower Canada, passed in the third year of the reign of his late Majesty King William the Fourth, intituled, "An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the Provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on Protested Bills of Exchange, and for determining Disputes relating thereto, and for other purposes," which would otherwise expire on the 1st day of May in the year of our Lord 1838; Be it therefore ordained and enacted, by his Excellency the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby enacted and ordained by the authority of the same, that the said Act of the Legislature of the said province, passed in the third year of the reign of his late Majesty King William the fourth, intituled, "An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the Provisions of two other Acts therein mentioned, for more effectually ascertaining the Damages on Protested Bills of Exchange, and for determining Disputes relating thereto, and for other purposes;" which would otherwise expire on the 1st day of May now next ensuing, shall continue to be in force until the 1st day of November 1842, and no longer.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 26th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 8, in No. 16.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 10.—AN ORDINANCE for indemnifying Persons who, since the 1st day of October 1837, have acted in apprehending, imprisoning, or detaining in Custody, Persons suspected of High Treason, or Treasonable Practices, and in the Suppression of Unlawful Assemblies, and for other Purposes therein mentioned.

WHEREAS a late armed insurrection of certain subjects of Her Majesty, in the district of Montreal, in this province, with intent to subvert the Government, and to plunder and destroy the property of the loyal inhabitants, has been happily subdued, but not until the insurgents had committed acts of murder, robbery and arson, and other offences, and had occasioned much alarm for the peace and security of the province. And whereas immediately before and during the said insurrection, and in consequence thereof, it became necessary for justices of the peace, officers of militia, and other persons in authority in this province, and for divers loyal subjects of Her Majesty, to take all possible measures for apprehending, securing, detaining and bringing to justice persons charged or suspected of joining in the said insurrection, or of aiding or abetting the same, or of other treasonable practices, dangerous to the peace of this province, and the security of its government, and also for the purpose of defeating and putting down the said insurrection, and for maintaining the peace of this province, and securing the lives and properties of the inhabitants thereof; and whereas some of such acts may not have been strictly legal and formal, but it is nevertheless just and necessary that the persons doing or advising the same, should be kept harmless, and indemnified against actions at law, or other proceedings with which they might otherwise be harassed: Be it therefore ordered and enacted, by his Excellency the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of the Act passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the first year of the reign of her present Majesty, intituled "An Act to make temporary Provision

Encl. 8, in No. 16.

LOWER
CANADA.

No. 16.
Sir J. Colborne to
Lord Glenelg,
30 April 1838.

Encl. 8, in No. 16.

40

CORRESPONDENCE RELATIVE TO THE

vision for the Government of Lower Canada;" and it is hereby ordained and enacted, that all personal actions, suits, indictments, and prosecutions, heretofore brought, commenced, preferred or exhibited, or now depending, or to be hereafter brought, commenced, preferred or exhibited, and all judgments thereupon obtained, if any such there be or shall be, and all proceedings whatsoever against any person or persons, for or on account of any act, matter or thing, by him or them done or commanded, ordered or directed, or advised to be done, since the 1st day of October, in the year of our Lord 1837, for apprehending, committing, imprisoning, detaining in custody, or discharging, any person or persons, who hath or have been imprisoned or detained in custody for high treason, suspicion of high treason, or treasonable practices, or for apprehending, committing, imprisoning or detaining in custody, any person or persons who hath or have been imprisoned, or detained in custody, for having been so tumultuously, unlawfully and traitorously assembled in arms as aforesaid, or for dispersing by force of arms any persons assembled as aforesaid, or for suppressing the said traitorous insurrection, and discovering and guarding against any other of the treasonable proceedings aforesaid, or for discovering and bringing to justice the persons concerned therein, or for maintaining the public peace, and the security of Her Majesty's subjects in their persons and property, or for supporting the Government and Constitution of this province against the treasonable practices and proceedings aforesaid, shall be discharged and made void, and that every person by whom any such act, matter or thing shall have been done or commanded, ordered, directed or advised to be done, shall be freed, acquitted, discharged and indemnified, as well against the Queen's Majesty, her heirs and successors, as against all and every other person and persons.

And be it further ordained and enacted, by the authority aforesaid, that if any action and suit shall be or have been brought, commenced or had in any Court of this province, against any person or persons, for and on account of any such act, matter or thing as aforesaid, he and they may plead the general issue, and give this Act and the special matter in evidence, and if the plaintiff or plaintiffs shall become nonsuit, or forbear further prosecution, or suffer discontinuance in any such action or suit, or if a verdict shall pass, or judgment be pronounced or rendered against the plaintiff or plaintiffs therein, the defendant or defendants therein shall be entitled to double costs, for which he or they shall have the like remedy as in other cases in which costs by law are given to defendants.

And be it further ordained and enacted, by the authority aforesaid, that if any action, suit, indictment, information, prosecution or proceeding shall be brought, commenced, preferred, exhibited, or had in any Court against any person or persons, for or on account of any such act, matter or thing as aforesaid, it shall be lawful for the defendant or defendants in any such action, suit, indictment, information, prosecution or proceeding, or for any of them, to apply by motion, petition or otherwise, to the Court in which the same hath been or shall be brought, commenced, preferred, exhibited or had, or shall be depending, if such Court shall be sitting, and if not sitting, then to any one of the judges or justices of such court, to stay all further proceedings in such action, suit, indictment, information, prosecution or proceeding; and such Court, and any judge or justice thereof, when the said Court shall not be sitting, is hereby authorized and required to examine the matter of such application, and upon proof by the oath or affidavit of the person or persons making such application, or any of them, or other proof to the satisfaction of such Court, judge or justice, that such action, suit, indictment, information, prosecution or proceeding is brought, commenced, preferred, exhibited or had, for or on account of any such act, matter or thing as aforesaid, to make an order for staying execution and all other proceedings in such action, suit, indictment, information, prosecution or proceeding, in whatever state the same shall or may then be, and the Court, or the judge or justice making such order for stay of proceedings, in any action or suit as aforesaid, shall also order unto the defendant or defendants, and he or they shall have or be entitled to double costs for all such proceedings as shall be had or carried on in any such action or suit after the passing of this ordinance, and for which costs he and they shall have the like remedy as in cases where costs are by law given to defendants.

Provided always, that it shall be lawful for any person or persons, being a party or parties to any such action, suit, indictment, information, prosecution or other proceeding, to apply by motion, petition or otherwise, in a summary way, to the Court in which the same shall have been brought, commenced, preferred, exhibited or had, or shall be depending, to vacate, discharge, or set aside any order made by any judge or justice of that Court, for staying proceedings, or for payment of costs as aforesaid, so as such application be made within the first two days of the term or session of such Court next ensuing the making of any such order by any judge or justice as aforesaid; and such Court is required to examine the matter of such application, and to make such order therein, as if the application had been originally made to the said Court; but nevertheless, in the meantime, and until such application shall be made to the said Court, and unless the said Court shall think fit to vacate, discharge, set aside or reverse the order made by any such judge or justice as aforesaid, the same shall continue in full force to all intents and purposes whatsoever.

And be it further ordained and enacted, by the authority aforesaid, that all and every person or persons discharged out of custody as aforesaid, although he or they shall not have been discharged according to law, shall be deemed and taken to have been legally discharged out of custody.

J. Colborne.

Ord
the gr
sh d
God
ear of

Cap.
of
Tro

WHI
Britai
Act to

that it
to time

of Lowe
of Low

since at
consent

welfare,
Lower t

And wh
ordinan

or whic
Lower c

issued o
Parliam

ministrat
upon a

ing for
aid. A

earing
ent year

by Her
the char

And wh
it theref

authoriz
of the S

and unc
Kingdom

for the
same, th

nistering
time to

charge a
in the s

specially
or sums

bills on
or times

And b
with the

sufficient
or sums

in his acc

Ordain
great sea
of April,
of Great
Lord 183

by ordained and enacted, that
therefore brought, commenced,
brought, commenced, pre-
if any such there be or shall
persons, for or on account of
ordered or directed, or advised
Lord 1837, for apprehending,
any person or persons, who
high treason, suspicion of high
ing, imprisoning or detain-
soned, or detained in custody,
assembled in arms as afore-
as aforesaid, or for suppress-
ing against any other of the
ing to justice the persons con-
e security of Her Majesty's
Government and Constitution
ings aforesaid, shall be dis-
y such act, matter or thing
d to be done, shall be freed,
en's Majesty, her heirs and

aforesaid, that if any action
any Court of this province,
ct, matter or thing as afore-
ct and the special matter in
forbear further prosecution,
shall pass, or judgment be
the defendant or defendants
all have the like remedy as

aid, that if any action, suit,
ight, commenced, preferred,
or on account of any such
ndant or defendants in any-
g, or for any of them, to
same hath been or shall be-
ending, if such Court shall
justices of such court, to
nation, prosecution or pro-
the said Court shall not
matter of such application,
ons making such applica-
Court, judge or justice,
ceeding is brought, com-
such act, matter or thing
other proceedings in such
n whatever state the same
ng such order for stay of
the defendant or defend-
all such proceedings as
of this ordinance, and
where costs are by law

persons, being a party or
n or other proceeding, to
Court in which the same
or shall be depending; to
justice of that Court, for
such application be made
ensuring the making of
it is required to examine
the application had been
e, and until such appli-
shall think fit to vacate,
justice as aforesaid, the
er.

aid, that all and every
o or they shall not dis-
have been legally dis-

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government House, in the City of Montreal, the 28th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 9, in No. 16.

Anno Primo VICTORIÆ REGINÆ.

Cap. 11.—AN ORDINANCE authorizing the Repayment, out of the Monies in the hands of the Receiver-General of this Province, of certain Sums advanced from the Imperial Treasury.

WHEREAS by a certain Act passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada," it was enacted, that it should be lawful for Her Majesty, by any commission or commissions to be from time to time issued, in the manner therein provided, to constitute a special council for the affairs of Lower Canada; and that from and after the proclamation of the said Act in the Province of Lower Canada, it should be lawful for the administrator of the government of this province authorized to execute the commission of the governor thereof, with the advice and consent of a majority of the said Council, to make such laws or ordinances for the peace, welfare, and good government of the said Province of Lower Canada, as the Legislature of Lower Canada, as constituted at the time of passing the said Act, was empowered to make. And whereas it was also further enacted, that it should not be lawful by any such law or ordinance to appropriate any monies which at the time of the passing the said Act were, or which should thereafter be, in the hands of the Receiver-general of the said Province of Lower Canada, towards the repayment of any sum of sums of money which shall have been issued out of the sum of 142,160*l.* 14*s.* 6*d.*, granted to His Majesty by a certain Act of the Parliament of the said United Kingdom, for advances on account of charges for the administration of justice, and of the civil government of the Province of Lower Canada, unless upon a certificate from three or more of the Commissioners of Her Majesty's Treasury, setting forth the several sums which shall have been so advanced for any of the purposes aforesaid. And whereas it appears by a certificate issued in conformity with the said Act, and bearing date at the Treasury Chambers at Whitehall, the 13th day of February in the present year, that several sums, amounting in all to 100,107*l.* 9*s.* sterling, had been advanced by Her Majesty's commands, out of the said grant of 142,160*l.* 14*s.* 6*d.*, on account of the charge for the administration of justice, and of the civil government of the said province. And whereas it is expedient that provision should be made for the repayment thereof; Be it therefore enacted, by His Excellency the Administrator of the Government of this Province, authorized to execute the Commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of Lower Canada, constituted and assembled by virtue and under the authority of the before-mentioned Act of the Parliament of the United Kingdom, of Great Britain and Ireland, intituled, "An Act to make temporary provision for the Government of Lower Canada," and it is hereby enacted by the authority of the same, that it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the Government of this province, by a warrant or warrants under his hand, from time to time or at any one time to authorize and direct the issue and payment, for the discharge and repayment of the advances aforesaid, to such person or persons as may be named in the said warrants, out of any monies in the hands of the Receiver-general not otherwise specially appropriated, and with preference to all other expenditure whatever, of such sum or sums as shall in the whole be equivalent, at the current rate or rates of exchange for bills on Her Majesty's Treasury in London which shall prevail in this province at the time or times of payment, to the before-mentioned sum of 100,107*l.* 9*s.* sterling.

And be it further enacted, by the authority aforesaid, that the said warrant or warrants, with the receipt or receipts of the party or parties named therein, shall constitute and be a sufficient authority and acquittance for the payment by the said Receiver-general of the sum or sums therein specified; and the said Receiver-general shall be allowed credit for the same in his accounts accordingly.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council under the great seal of the province, at the Government-house in the city of Montreal, the 28th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

No. 15.
Sir J. Colborne to
Lord Glenelg.
30 April 1838.

Enclosure 10, in No. 16.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 12.—AN ORDINANCE to make Provision for Defraying the Civil Expenditure of the Provincial Government from the 1st day of April 1837 to the 10th day of April 1838.

Encl. 10, in No. 16.

WHEREAS it is expedient to make provision towards defraying the expenses of Her Majesty's civil government of this province, and of the administration of justice therein from the 1st day of April, which was in the year of our Lord 1837, to the 10th day of April 1838; Be it therefore ordained and enacted, by the Administrator of the Government of the province, authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intitled, "An Act to make Temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted, by the authority of the same, that from and out of the unappropriated monies which now are, or shall hereafter come, into the hands of the Receiver-general of this province for the time being, there shall be paid and applied towards defraying the expenses of the administration of justice and the support of the civil government of this province, incurred from the 1st day April 1837 to the 10th day of April 1838 both days inclusive, such sum or sums as, together with the sums which may be in the Receiver-general's hands at the time of the passing of this Act, at the disposal of the Crown applicable to such purposes, shall amount to a sum not exceeding 47,344 l. 14s. 7d. sterling.

And be it further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this Act, shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs and successors, shall direct.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government House, in the city of Montreal, the 28th day of April, in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay,
Clerk Special Council.

Enclosure 11, in No. 16.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 13.—AN ORDINANCE to continue for a limited time certain Acts of the Legislature of this Province, relative to the District of Saint Francis.

Encl. 11, in No. 16.

WHEREAS it is expedient to continue for a limited time the several Acts of the Legislature of this province hereinafter mentioned; Be it therefore ordained and enacted, by his Excellency the Administrator of the Government of this province authorized to execute the commission of the Governor thereof, with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intitled, "An Act to make Temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted, by the authority of the same, that a certain Act of the Legislature of the said province, made and passed in the third year of the reign of his said late Majesty King George the Fourth, intitled, "An Act to erect certain Townships therein mentioned into an Inferior District, to be called the Inferior District of Saint Francis, and to establish Courts of Judicature therein;" and a certain other Act of the same Legislature, made and passed in the 11th year of the reign of his late Majesty King George the Fourth, intitled, "An Act to continue further, for a limited time, a certain Act passed in the third year of his Majesty's reign, intitled, 'An Act to erect certain Townships therein mentioned into an Inferior District, to be called the Inferior District of Saint Francis, and to establish Courts of Judicature therein,' and to make further Provision for the due Administration of Justice in the said Inferior District;" and a certain other Act of the same Legislature, made and passed in the second year of the reign of his late Majesty King William the Fourth, intitled, "An Act to make better provisions with regard to Appeals from the Provincial Court of the Inferior District of Saint Francis,



Enclosure, No. 12.

An ordinance to enable the proprietors or shareholders of a company, called the "Bank of British North America," to sue and be sued, in the name of any one or more of its local directors or managers for the time being, and for other purposes therein mentioned.

Enclosure, No. 13.

An ordinance to make provision for the survey of Lake Saint Peter.

I have, &c.
(signed) J. Colborne.

Enclosure 1, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 14.—AN ORDINANCE to Incorporate certain Persons therein named, under the name of "The President, Directors, and Company of the Bank of Montreal."

Encl. 1, in No. 17.

WHEREAS under and by virtue of an Act of the Parliament of the province of Lower Canada, passed in the 1st year of the reign of His Majesty King George the Fourth of blessed memory, intituled, "An Act for incorporating certain Persons therein named, under the name of the President, Directors, and Company of the Bank of Montreal," the persons therein named, and their several and respective heirs, executors, curators, administrators, successors, and assigns were duly ordained, constituted, and declared to be a corporation, body corporate and politic, by the said name of "The President, Directors, and Company of the Bank of Montreal," which Act was subsequently amended and continued by another Act of the said Parliament, passed in the 10th and 11th years of the reign of his said Majesty King George the Fourth; and whereas by the effluxion of the time limited by the said Acts, the said corporation ceased to exist on the 1st day of June last; and whereas certain persons hereinafter named have by their petition represented, that on the said 1st day of June last, they and divers other persons had associated themselves together for the purposes of assuming and carrying on the business of banking heretofore carried on by the said corporation, and for the said purposes had subscribed a capital of 500,000 *l.* currency of the said province, whereof 390,000 *l.* is actually paid in, and thereupon prayed for the enactment of an ordinance to incorporate them; and whereas there is reason to believe that the encouragement of an institution, established for the purposes aforesaid, will tend much to the loyal relief and benefit of all Her Majesty's subjects in the said province:

Be it therefore ordained and enacted by his Excellency the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the 1st year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada," and it is hereby ordained, and enacted by the authority of the same, that the Honourable Peter McGill and Joseph Masson, Thomas Brown Anderson, Charles Brooke, John Jamieson, James Logan, John Molson, Joseph Shuter, John Redpath, John Torrance, William Lunn, and John McPherson, all of the city of Montreal in the said province, esquires, and such other persons as now are holders of the stock of the association, now carrying on banking business at the said city of Montreal under the name and firm of "The President, Directors, and Company of the Bank of Montreal," and their several and respective heirs, executors, curators, administrators, successors, and assigns shall be and are hereby ordained, constituted, and declared to be a corporation, body corporate and politic, by the name of "The President, Directors, and Company of the Bank of Montreal," and shall so continue and have succession till the 1st day of November, which will be in the year of our Lord 1842; and shall and may by the said name be persons able and capable in law to sue, be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever; and shall also be able and capable in law to purchase, acquire, hold, and enjoy, and retain to them and their successors lands and tenements, real or immovable estate, for the convenient conduct and management of the business of the said bank, not exceeding the yearly value of 1,800 *l.* current money of this province, and for no other purpose; and may sell, alienate, and dispose of such lands, tenements real or immovable estate, and purchase and acquire others in their stead for the same purpose, not exceeding the yearly value aforesaid; and may have a common seal, and may change and alter the same at their pleasure; and may also from time to time, at any general meeting of the stockholders called for that purpose, or at any general annual meeting of the said stockholders, ordain, establish, and put in execution such bye-laws, ordinances, and regulations (the same not being contrary to the present ordinance, or to any laws in force in this province), as may appear to them necessary or expedient for the management of the said bank, and may from time to time alter and repeal the same, or any of them; and the said bye-laws, ordinances, and regulations shall be made by the directors already appointed, or who may hereafter be appointed, and shall be submitted to the stockholders of the said bank for their approval and confirmation at a general meeting called for that purpose, to be held in the manner hereinafter mentioned, or at any general annual meeting; provided always

that six
to sub
revision
and sin
said co
rules, r
And
of the s
of 500,
shall be
their su
tively h
such p
the sto
per cen
the dire
in this
the saic
up the
obedien
herby
And
ment of
elected
them to
the first
shall vo
meeting
capable
adminis
them, o
election
hold the
have be
time, in
so chose
stead, fr
ence-pre
province
is afore
holders
remainin
stead of
directors
whether
may, by
presiden
duties o
presiden
business
places o
a directo
ing vote.
Provid
who shal
naturaliz
the conq
state, sh
in the m
for the p
or regul
ing of an
whatsoev
withstand
And th
Peter M
James L
and John
said corp
for the a
of death,
to contin
of them,
to be an

TO THE

of a company, called
used, in the name of any
time being, and for other

of Saint Peter.

I have, &c.
(Signed) J. Colborne.

in named, under the name of
Bank of Montreal."

of the province of Lower
King George the Fourth
Persons therein named, under
Bank of Montreal," the persons
ors, curators, administrators,
declared to be a corporation,
nt, Directors, and Company
ed and continued by another
ars of the reign of his said
y of the time limited by the
y of June last; and whereas
esented, that on the said day
d themselves together for the
heretofore carried on by the
pital of 500,000 £. currency
ereupon prayed for the enact-
is reason to believe that the
esaid, will tend much to the
province:

Administrator of the Govern-
the Governor thereof, by and
airs of the said province or
er the authority of an Act of
eland, passed in the 1st year
ake Temporary Provision for
and enacted by the authori-
ssion, Thomas Brown Ander-
olson, Joseph Shuter, John
all of the city of Montreal,
re holders of the stock of the
of Montreal under the name
Bank of Montreal," and their
successors, and assigns shall
orporation, body corporate and
y of the Bank of Montreal,
ember, which will be in the
be persons able and capab-
be answered, defend and be
be able and capable in law
their successors lands and ten-
and management of the bus-
s, current money of this pro-
ose of such lands, tenements
their stead for the same pur-
ave a common seal, and may
time to time, at any general
annual meeting of the
h bye-laws, ordinances, and
ce, or to any laws in force
r the management of the said
any of them; and the suc-
ctors already appointed, or
stockholders of the said bank
for that purpose, to be held
al meeting; provided always

AFFAIRS OF LOWER CANADA, &c.

45

LOWER
CANADA.

No. 17.

Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 1, in No. 17.

that six weeks' public notice shall have been previously given of the intention of the directors to submit such bye-laws, ordinances, and regulations for approval and confirmation, or for revision; and the said corporation shall and may do and execute by the name aforesaid all and singular other the matters and things touching the management of the business of the said corporation which to them shall or may appertain to do, subject nevertheless to the rules, regulations, limitations, and provisions hereinafter prescribed and established.

And be it further ordained and enacted, by the authority aforesaid, that the capital stock of the said bank of Montreal, hereby incorporated and established, shall not exceed the sum of 500,000 £., current money aforesaid, divided into 10,000 shares of 50 £. each; which shares shall be, and the same are hereby vested in the said several persons hereinbefore named, their successors and assigns, according to the shares and interest which they may respectively have subscribed, purchased, or acquired, and may now have in the same; and that such part of the said sum of 500,000 £. as may not yet have been paid in, shall be paid by the stockholders respectively by whom the same is due, by instalments not exceeding 10 per centum on the capital stock of each stockholder, at such time and times and place as the directors of the said bank at Montreal shall appoint, after notice of not less than 30 days in this behalf to be previously given, in one or more of the public newspapers published at the said city of Montreal; and all executors, curators, and administrators who shall pay up the instalments due by the estate or succession which they respectively represent, in obedience to any call made for that purpose in the manner aforesaid, shall be, and they are hereby respectively indemnified.

And be it further ordained and enacted, by the authority aforesaid, that for the management of the affairs of the said corporation, there shall be 13 directors who shall be annually elected by the proprietors of the capital stock of the said bank, at a general meeting of them to be annually held on the first Monday of June; the first whereof shall be held on the first Monday of June now next ensuing; at which annual meeting the said stockholders shall vote according to the rule hereinafter established as to the manner of voting at general meetings; and the directors so chosen by a majority, in conformity to such rule, shall be capable of serving as directors for the then next ensuing 12 months, unless removed for maladministration before that period by the stockholders at a general meeting to be held by them, or unless suspended as hereinafter provided; and at their first meeting after such election they shall choose out of their number a president and vice-president, who shall hold their offices respectively during the same period for which the said directors shall have been elected as aforesaid; and it shall be lawful for the said directors, from time to time, in case of the death, resignation, absence from the province, or removal of the persons so chosen to be president and vice-president, or either of them, to choose in their or his stead, from among them, the said directors, another person or persons to be president and vice-president respectively; and in case of the death, resignation, absence from the province for three months at a time, or the removal of the director by the stockholders as aforesaid, his place, in case of such removal, shall be filled up by the said stockholders at any one of their general meetings, and in the other cases last mentioned by the remaining directors, or a majority of them; and the person so appointed, in the place and stead of such director, shall serve till the next general meeting for the election of the directors; and in the event of any temporary absence of the president of the said bank, whether occasioned by sickness or otherwise, the remaining directors of the said bank may, by a vote duly recorded in the register of their proceedings, devolve upon the vice-president of the said bank, during the continuance of such temporary absence, all the duties of the said president; and in the event of the unavoidable absence of both the president and vice-president at any board of the said directors held for the transaction of business, the said directors when assembled shall appoint one of themselves to supply the places of such president or vice-president, and the director so appointed shall vote as a director at the board, and if there be an equal division on any question shall have a casting vote.

Provided always, and it is hereby expressly ordained and enacted, that no stockholder who shall not be a natural-born subject of Her Majesty, or a subject of Her Majesty naturalized by Act of the British Parliament, or a subject of Her Majesty by the effect of the conquest and cession of this province, or who shall be a subject of any foreign prince or state, shall either in person or by proxy vote for the election of any director to be elected in the manner hereinbefore directed, or shall vote at any meeting of the said stockholders for the purpose of ordaining, establishing, or putting in execution any bye-laws, ordinances, or regulations to be made under the authority of this ordinance, or shall assist in the calling of any meeting of such stockholders, or shall vote for any other purpose or purposes whatsoever hereinbefore authorized, anything hereinbefore contained to the contrary notwithstanding.

And be it further ordained and enacted, by the authority aforesaid, that the aforesaid Peter McGill, Joseph Masson, Thomas Brown Anderson, Charles Brooke, John Jamieson, James Logan, John Molson, Joseph Shuter, John Redpath, John Torrance, William Lunn, and John McPherson, shall be and continue directors, president and vice-president of the said corporation, until the first Monday of June next, being the day hereinbefore appointed for the annual election of directors of the said corporation; provided always, that in case of death, resignation, or absence from the province of any of the said directors so appointed to continue in office as aforesaid, it shall be lawful for the remaining directors, or a majority of them, to fill up the vacancy or vacancies, and the said director or directors so appointed to be and continue in office until the first Monday in June next, shall have the same power

No. 17.
Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 1, in No. 17.

CORRESPONDENCE RELATIVE TO THE

as to the appointment of a president and vice-president, in the case of the death, resignation, or absence from the province of the president or vice-president before that period, that is hereinbefore given to the directors to be chosen at the period fixed for the annual meeting as aforesaid; provided always, that the said directors shall not, during the period of their services as directors of the said bank, act as private bankers.

And be it further ordained and enacted, by the authority aforesaid, that if at any time it shall happen that an election of directors shall not be made or take effect on the day when, in pursuance of this Act, it ought to be made and take effect, the said corporation shall not be deemed or taken to be dissolved, but it shall be lawful, at any other time, to make such election at a general meeting of the stockholders to be called in the manner hereinafter prescribed.

And be it further ordained and enacted, by the authority aforesaid, that the directors for the time being shall have power to appoint such officers, clerks, and servants under them as shall be necessary for conducting the business of the said corporation, and to allow them such compensation for their services respectively as shall be reasonable and proper; and the said directors shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said corporation, as shall be prescribed by the bye-laws, ordinances, and regulations of the said corporation.

And be it further ordained and enacted, by the authority aforesaid, that in all and every suit or suits at law, which at any time hereafter may be instituted by, or on the part and behalf of any person or persons against the said bank, service of process, upon the president or vice-president of the same, for the time being, or at the office of the said bank, shall, to all intents and purposes, be sufficient to compel the said bank or corporation to appear, and to plead to such suit or suits at law, any law, usage, or custom to the contrary in anywise notwithstanding; and all and every suit or suits at law which at any time may be instituted by or on the behalf of the said bank, against any person or persons, body or bodies, politic or corporate, shall be instituted and prosecuted by the president and directors of the said bank, for the time being, for and in the name of the said bank.

And be it further ordained and enacted, by the authority aforesaid, that the following rules, restrictions, and provisions, shall form and be deemed, and held to be fundamental articles of the said corporation; that is to say, first, the number of votes to which each stockholder or stockholders, copartnership, body politic or corporate, holding stock in the said corporation shall be entitled on every occasion when, in conformity to the provisions of this ordinance, the votes of the members of the said corporation are to be given, shall be in the proportions following; that is to say, for one share and not more than two, one vote; for every two shares, above two, and not exceeding ten, one vote, making five votes for ten shares; for every four shares, above ten, and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares, above thirty, and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares, above sixty, one vote, making twenty votes for eighty shares; and for every ten shares, above eighty, one vote, making twenty-five votes for one hundred shares; but no person or persons, copartnership, body politic or corporate, being a member or members of the said corporation, shall be entitled to a greater number than twenty votes; and all stockholders resident within the province or elsewhere may vote by proxy if he, she, or they shall see fit, provided that such proxy be a stockholder, and do provide an authority from his constituent or constituents for so representing and voting for him, her, or them, according to the form (A.) annexed to this ordinance; and provided also, that after the first election of directors to be made after the passing of this Act, no share or shares of the capital stock of the said corporation shall confer a right of voting, either in person or by proxy, which shall not have been held during three calendar months at the least prior to the day of election, or of the general meeting when the votes of the stockholders are to be given; and where two or more persons are the joint owners of any part of the said stock, it shall be lawful that one person only be empowered, by letter of attorney from the other owners, or a majority of them, to represent the said stock, and to vote accordingly: second, no person other than a stockholder actually resident in the city of Montreal, and holding at least 10 shares of the capital stock of the said corporation, and being a natural-born subject of Her Majesty, or a subject of Her Majesty naturalized by Act of the British Parliament, or a subject of Her Majesty by the effect of the conquest and cession of this province, and who shall have resided seven years in this province, and in any of the above cases who shall have resided three years consecutively in the city of Montreal, shall be capable of being elected or chosen a director of the said corporation, or shall serve as such: third, seven of the directors in office at the period of each annual election shall be re-elected for the next succeeding 12 months: fourth, no director shall be entitled to any salary or emolument, unless the same shall have been allowed to him by a general meeting of the stockholders; but the stockholders may make such compensation to the president or vice-president for their extraordinary attendance at the bank, or other services, as shall appear to them to be reasonable and proper: fifth, not less than five directors shall constitute a board for the transaction of business, of which number the president or vice-president shall always be one, except in case of sickness and necessary absence, in which case their places may be supplied by any other director whom the president or vice-president shall respectively, by writing under his hand, appoint for that purpose; the president and vice-president shall vote at the board as directors, and in any case of there being an equal number of votes for and against any question before them, the president, and in his absence the vice-president, or in their absence the president for the time being, shall have a casting vote: sixth, any number of stockholders not less than 20, who together shall be proprietors of 250 shares of the capital stock of the said corporation, shall have

have
stock
therec
which
the di
afor
afor
a di
hom
est pu
it b
face
ach p
very c
ive b
cashier
consider
behavio
to hold
that th
accordi
the said
mortgag
by the c
doubts w
ther co
said in
bank for
shall ha
sold as
them, or
and be
but this
thereof,
shall ha
ered
respectiv
the publi
signatib
signme
tered o
or until
actually
the rema
actional
ble or t
credit
ee-presi
or person
ry law
shall be
promising
to bearer,
ry upon
or otherwi
ay, those
assignabl
of exchang
elivery of
on shall
being a d
orporation
he said co
payable
ve public
Montreal
lack of t
meeting he
statemen
pital stock
lances d
posits be
ans, and

TO THE

case of the death, resignation, or removal before that period, that is fixed for the annual meeting, or, during the period of their

fore said, that if at any time it take effect on the day when, the said corporation shall, at any other time, to make in the manner hereinafter

fore said, that the directors, clerks, and servants under the said corporation, and to allow be reasonable and proper: their powers and authority for the same, as shall be prescribed

fore said, that in all and every matter, or on the part and of process, upon the pre- office of the said bank, said bank or corporation to, or custom to the con- suits at law which at any against any person or per- prosecuted by the president of the name of the said bank.

fore said, that the following held to be fundamental ber of votes to which each orate, holding stock in the conformity to the provisions of are to be given, shall be in more than two, one vote; making five votes for ten one vote, making ten votes for sixty, one vote, making twenty, and not exceeding one but no person or persons, of the said corporation, stockholders resident within shall see fit, provided that constituent or constituents of the form (A.) annexed to directors to be made after the said corporation shall not have been held during or of the general meeting to or more persons are the person only be empow- of them, to represent the in a stockholder actually the capital stock of the ty, or a subject of Her Majesty of Her Majesty by the have resided seven years ed three years consec- chosen a director of the in office at the period of 12 months: fourth, no the same shall have been stockholders, may make ordinary attendance at e and proper: fifth, not a of business, of which in case of sickness and any other director whom is hand, appoint for that directors, and in any tion before them, the president for the time not less than 20, who said corporation, shall have

AFFAIRS OF LOWER CANADA, &c.

47

LOWER CANADA.

No. 17.

Sir J. Colborne to Lord Glenelg, 7 May 1838.

Encl. 1, in No. 17.

have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the said corporation, giving at least six weeks' notice thereof in at least one of the newspapers published in the city of Montreal, and specifying in each notice the time and place of such meetings, with the object or the objects thereof; and the directors of the said corporation for the time being, or any seven of them, shall have the power at any time (upon their observing the like formalities) to call a general meeting of the said corporation; and if the object of such meeting to be called by the stockholders or directors of the said corporation shall be to consider of the proposed removal of the president or vice-president, or a director or directors, for maladministration, then and in such cases the person or persons whom it shall be so proposed to remove shall, from the day from which such notice shall be first published, be suspended from the execution of the duties of his or their offices; and if it be the president or vice-president whose removal shall be proposed as aforesaid, his place shall be filled up by the remaining directors, who shall appoint a director to serve as president or vice-president during the time such suspension shall continue: seventh, every cashier and clerk of the bank, before he enters upon the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the directors; that is to say, every cashier in a sum not less than 5,000*l.*, and every clerk in such sum as the directors shall consider adequate to the trust to be reposed in him, with condition for his good and faithful behaviour: eighth, the lands and tenements which it shall be lawful for the said corporation to hold shall be such only as are hereinbefore permitted to be held by it; provided always, that the said corporation may take and hold mortgages, hypothèques on real property, according to the law of this province, by way of additional security for debts contracted to the said corporation in the course of its dealings, but on no account shall money be lent on mortgages, hypothèques, or upon land or other fixed property, nor shall such money be purchased by the corporation on any pretext as above mentioned: ninth, the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, or note, or other contract whatsoever, shall not exceed treble the amount of the capital stock actually paid in (over and above the sum equal in amount to such money as may be deposited in the bank for safe keeping), and in case of excess the directors under whose administration it shall happen shall be liable for the same in their private capacities, as well to the stockholders as to holders of bank-notes; and an action in this behalf may be brought against them, or any of them, their, or any of their heirs, executors, administrators, and curators, but this shall not exempt the said corporation, or the lands, tenements, goods, or chattels thereof, from being also liable for such excess; provided always, that such directors as shall have been absent when the said excess was contracted or incurred, or shall have entered their protest against it upon the book or books of the said corporation, may respectively exonerate and discharge themselves thereupon by publishing such protest in public papers within eight days: tenth, the stock of the said corporation shall be assignable and transferable according to the form (B.) annexed to this Act; but no assignment or transfer shall be valid or effectual unless such transfer or assignment be entered or registered in a book or books to be kept by the directors for that purpose, until the person or persons making the same shall previously discharge all debts actually due by him, her, or them to the said corporation, which may exceed in amount the remaining stock belonging to such person or persons; and in no case shall any fractional part of a share or shares, or other than a complete share or shares, be assignable or transferable: eleventh, bank obligations, bank bonds, bank bills, obligatory and negotiable, under the common seal of the said corporation, signed by the president or vice-president, and countersigned by a cashier, which shall be made payable to any person or persons, shall be assignable by indorsements thereupon, without signification thereof, by law or usage to the contrary notwithstanding; and bank bills or bank notes, which shall be issued by order of the said corporation, signed and countersigned as aforesaid, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of the said corporation, shall be binding and obligatory upon the same, and shall be assignable and negotiable by blank or other indorsement, or otherwise, in like manner as if they were made and issued by private persons; that is to say, those which shall be payable to any person or persons, his, her, or their order shall be assignable by blank or other indorsement, in like manner and with like effect as foreign bills of exchange now are; and those which shall be payable to bearer shall be negotiable by delivery only: twelfth, the books, papers, correspondence, and funds of the said corporation shall at all times be subject to the inspection of the directors; but no stockholder, not being a director, shall inspect the account of any individual or individuals with the said corporation: thirteenth, half-yearly dividends shall be made of so much of the profits of the said corporation as shall appear to the directors for the time being advisable, and shall be payable at such place or places as the said directors shall appoint, of which they shall give public notice, 30 days previously, in at least two newspapers, published at the said city of Montreal, which dividends shall not in any manner whatsoever lessen or impair the capital stock of the said corporation; and the said directors shall every year, at the general meeting held for the election of directors, lay before the stockholders for their information, statement of the affairs of the said corporation, containing, on the one part, the amount of capital stock paid in, the amount of their notes in circulation, the net profits in hand, the balances due to other banks, and the cash deposited in the said bank, distinguishing deposits bearing interest, if any there be; and on the other part, the amount of current loans, and gold and silver bullion in the vaults of the said bank, the value of buildings and

No. 17.
Sir J. Colborne to
Lord Glenelg
7 May 1838.

Encl. 1, in No. 17.

and other real estate belonging to the said corporation, the balances due to them from other banks, and the amount of all debts owing to the said corporation, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages, and other securities; thus exhibiting, on the one hand, the debts due by the said corporation and on the other hand, the resources thereof; and which statement shall also contain the rate and amount of the then last dividend declared by the said corporation, the amount of the profits reserved at the time of declaring such dividend, the amounts of debts due to the said corporation, and secured by the pledge of the stock thereof, belonging to the persons from whom such debts are due, and the amount of debts overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts, and it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government of the said province, from time to time to require from the president, vice-president, and directors of the said bank, a like statement in detail of the affairs of the said corporation, together with a list of the names of all persons, who shall, at the commencement of every quarter of the year during the time for which such statements shall be required and made, have been shareholders in the said bank, specifying the number of shares held by each and every such person at the commencement of each quarter; and also an account of the amount of paper discounted for, or monies loaned to the directors or for which they may be security to the said bank; and when so required by the Governor, Lieutenant-governor, or person administering the government of the said province, the said statement, list, and account, shall be rendered under the oaths of the president, vice-president, and cashier, or principal officer of the said corporation; provided always, that nothing herein contained shall be held or construed to compel or authorize either of them, to particularize in any such statement the private account of any person or persons with the said corporation; nor shall anything herein contained be held or construed to give a right to stockholders of the said bank, not being directors, to inspect the accounts of any person or persons with the said corporation: fourteenth, if there shall be a failure by, or on the part of any person or persons, copartnership, body politic or corporate, to pay the amount of any instalment required to be paid on account of his, her, or their shares in the said capital stock of the said corporation, the person or persons failing to pay the amount of such instalment shall incur a forfeiture to and for the use of the said corporation of five per centum on the amount of his or their shares in the said corporation, and of the dividends due to him, her, or them, at the time appointed for the payment of such instalments, and also of all dividends which may afterwards accrue and become due to him, her, or them, until the payment of the amount of such instalment: fifteenth, the said corporation shall not directly or indirectly deal in anything except bills of exchange discounting on notes of hand or promissory notes, receiving the discount at the time of negotiating; gold or silver bullion, or in the sale of stock pledged for money lent, and not redeemed; and stock so pledged and not redeemed shall be sold by the said corporation at public sale, at any time not less than 10 days after the period for redemption, without any judgment first obtained, and without any previous suit or proceedings at law, any law, usage, or custom to the contrary notwithstanding. And if upon the sale of such stock, there shall be a surplus after deducting the expenses of sale, over and above the money lent, such surplus shall be paid to the proprietors of such stock respectively.

And be it further ordained and enacted, by the authority aforesaid, that the notes of the said corporation shall be payable in gold or silver coin, current by the laws of this province. And the said corporation shall not demand, receive, and require upon its loans or discounts, or upon any other pretext whatsoever, any interest exceeding the lawful interest of six per centum per annum, as fixed by the laws of this province.

And be it further ordained and enacted, by the authority aforesaid, that the total amount of the notes of the said corporation, being for a less sum than 11. 5s. currency aforesaid each, which shall be issued and in circulation at any one time, shall not exceed one-fifth of the amount of the capital stock of the said corporation then paid in; provided always, that no note under the nominal value of 5s. currency shall be issued or put into circulation by the said corporation, and that the issue and circulation of all denominations of notes for a less sum than 11. 5s. each may be suppressed or further limited by any ordinance or law of this province, without such suppression or further limitation being considered an infringement of the privileges granted by this ordinance.

And be it further ordained and enacted, by the authority aforesaid, that if the total amount of all the notes of the said corporation, issued and in circulation, shall at any one time exceed the amount fixed and determined by this ordinance, this ordinance shall cease and determine from the time when such excessive issue shall have occurred: and in such case the president, vice-president, and each and every of the directors of the said bank who shall know that such excessive issue has occurred, or has been authorized, and shall not, within 48 hours after he shall have acquired such knowledge, give public notice thereof in one of the newspapers printed and published in the city of Montreal, shall be personally, and jointly and severally, responsible and liable for all debts, claims, and demands due by the said corporation.

And be it further ordained and enacted, by the authority aforesaid, that the share and dividends of the stockholders in the said corporation, shall be held, considered, and adjudged to be personal property, and as such be liable to *bona fide* creditors for debts, and may be attached and sold under writs of attachment and execution, issued out of His Majesty's courts of this province, in like manner as other personal property may be attached

and sold
may issue
on the cas
writ
share of a
asset wh
been
have
corpo
each sh
shall
shall
shall
purchased
and be
stockholder
the debts o
tioned, in c
ing their ac
that the said
be held bo
debts and
of the prov
reign of his
tion, and a
on the 1st
ordained and
these ordan
shall be an
never, ha
which expi
earned on u
and owing
And be
cashier, cle
obligatory
ing to the s
another h
of deposits
the said cor
his obligati
of new, or
being there
down as a
And be it
persons sha
at, or al
the said co
And the
forged,
or note
money
red, ever
for the
being lav
which
and labour
the said pu
And be it
And be it
all engrav
ment,
be and com
ment of mon
the said c
cerns of
in his
as, or oth
intent to
employed in
sory note
be guilty
ofit of cle
And be it

LOWER
CANADA.

No. 17.
Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 1, in No. 17.

be lawful to, and for any one justice of the peace, on complaint made before him, upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons, is or are, or hath or have been concerned in making or counterfeiting any such false bills of exchange, promissory notes, undertakings, or orders as aforesaid, by warrant under the hand of such justice; to cause the dwelling-house, room, workshop, outhouse, or other buildings, yard, garden, or other place, belonging to such suspected person or persons, or where any such person or persons shall be suspected to carry on any such making or counterfeiting, to be searched for any such false bills of exchange, promissory notes, undertakings, or orders; and if any such false bills of exchange, promissory notes, undertakings, or orders, or any such plates, rolling-presses, or other tools, instruments, or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings, or orders, and such plates, rolling-presses, or other tools, instruments, or materials, and to carry the same forthwith before a justice of the peace of the county or district in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any the offences aforesaid in some court of justice proper for the determination thereof, and the same, after being so produced in evidence, shall, by order of the court before which such offender or offenders shall be tried, be defaced or destroyed, or otherwise disposed of as such court shall direct.

And be it further ordained and enacted, by the authority aforesaid, that nothing in the present ordinance contained shall affect, or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, her heirs, or successors, or of any person or persons, or of any bodies politic or corporate, such only excepted as are herein mentioned.

And be it further ordained and enacted, by the authority aforesaid, that this ordinance shall be deemed and taken to be a public ordinance and law of this province, and as such shall be judicially taken notice of by all judges, justices, and other persons whomsoever, without the same being specially pleaded.

And be it further ordained and enacted, by the authority aforesaid, that it shall not be lawful for the said corporation at any time whatever, directly or indirectly, to advance or lend to, or for the use or on account of any foreign prince or state, any sum or sums of money whatever, and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, and advantages hereby granted to the said corporation, shall from thenceforth cease and determine, anything in the present ordinance contained to the contrary thereof in any wise notwithstanding; and provided also, that the said corporation shall not raise loans of money, nor increase its capital.

And be it further ordained and enacted, by the authority aforesaid, that this ordinance shall continue and be in force till the 1st day of November, in the year of our Lord 1842, and no longer.

Form (A.)

Stock of the Bank of Montreal.

Power of Attorney to accept Transfers, receive Dividends, Sell, and Vote.

Know all men by these presents, that I (or we) of my (or our) do make, constitute, and appoint of my (or our) true and lawful attorney, for me (or us) in my (or our) name, and on my (or our) behalf to accept all such transfers as are or may hereafter be made unto me (or us) of any interest or share in the capital or joint stock of the Bank of Montreal; to receive and give receipts for all dividends that are now due, and that shall hereafter become due and payable for the same for the time being; to sell, assign and transfer, all or any part of my (or our) said stock, to receive the consideration money, and give a receipt or receipts for the same; and to vote at all elections, and generally to do all lawful acts requisite for effecting the premises, hereby ratifying and confirming all that my (or our) said attorney shall do therein, by virtue hereof. In witness whereof, I (or we) have hereunto set my (or our) hand and seal at this day of in the year of our Lord 18

Signed and sealed in the presence of

Form (B.)

For value received from of I (or we) do hereby assign and transfer unto of shares (on each of which has been paid pounds shillings currency, amounting to the sum of pounds shillings,) in the capital stock of the Bank of Montreal, subject to the rules and regulations of the said bank. Witness hand, at the said bank, this day of 18

Witness

I (or we) do hereby accept the foregoing assignment of shares in the stock of the Bank of Montreal, assigned to as abovementioned, at the bank this day of 18

J. Colborne.

Ordained
great seal
May, in the
Great Brita
our Lord 18

Cap. 15.-
of this
been co

WHERE
sonable ins
may not im
ciple pers
by the adm
sion of the
the affairs
of an Act
of the first
Provision f
upon the p
ferred to th
the arraig
be lawful f
grant, if it
and condit
province, an
an-attaind
forfeiture o
pardon sha
admission o
And be it
shall be par
himself from
afterwards
of his pard
And be it
this ordinan
are still ab
hension a re

Ordained
the great se
of May, in
Great Brita
Lord 1838.

Cap. 16.-

WHERE
education i
administrat
the Govern
affairs of th
357.

AFFAIRS OF LOWER CANADA, &c.

51

LOWER
CANADA.

No. 17.

Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 1, in No. 17.

Ordained and enacted by the authority aforesaid, and passed in Special Council under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 2, in No. 17.

Anno Primo VICTORIÆ REGINÆ.

Cap. 15.—AN ORDINANCE to enable the Governor, or Person administering the Government of this Province, to extend a Conditional Pardon, in certain cases, to Persons who have been concerned in the late Insurrection.

WHEREAS there is reason to believe, that among the persons concerned in the late treasonable insurrection in this province, there were some to whom the lenity of Government may not improperly be extended, on account of the artifices used by desperate and unprincipled persons, to seduce them from their allegiance: Be it therefore ordained and enacted, by the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted, that upon the petition of any person charged with high treason, committed in this province, preferred to the Governor or the person administering the government of this province, before the arraignment of such person, and praying to be pardoned for his offence, it shall and may be lawful for the Governor or person administering the government of the said province to grant, if it shall seem fit, a pardon to such person, in Her Majesty's name, upon such terms and conditions as may appear proper, which pardon being granted under the great seal of this province, and reciting in substance the prayer of such petition, shall have the same effect as an attainder of the person therein named for the crime of high treason, so far as regards the forfeiture of his estate and property, real and personal; provided always, that in case a pardon shall not be granted upon any such petition, no evidence shall be given of any admission or statement therein contained, upon any trial to be afterwards had.

Encl. 2, in No. 17.

And be it further ordained and enacted, by the authority aforesaid, that in case any person shall be pardoned under this ordinance, upon condition of being transported, or of banishing himself from this province, either for life or for any term of years, such person, if he shall afterwards voluntarily return to this province, without lawful excuse, contrary to the condition of his pardon, shall be deemed guilty of felony, and shall suffer death, as in cases of felony.

And be it further ordained and enacted, by the authority aforesaid, that the provisions of this ordinance shall not extend, or be construed to extend, to such persons as have fled, or are still absent from this province, under a charge of high treason, and for whose apprehension a reward has been offered.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 3, in No. 17.

Anno Primo VICTORIÆ REGINÆ.

Cap. 16.—AN ORDINANCE to appropriate certain Sums of Money therein mentioned to the Encouragement of Education.

WHEREAS it is expedient to appropriate certain sums of money for the encouragement of education in this province: Be it therefore ordained and enacted by his Excellency the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of

Encl. 3, in No. 17.

LOWER
CANADA.

No. 17.
Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 3, in No. 17.

52

CORRESPONDENCE RELATIVE TO THE

an Act of the Parliament of the United Kingdom of Great Britain and Ire land, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government, by warrant under his hand, to take out of any unappropriated monies in the hands of the Receiver-general, a sum not exceeding 60*l.* currency, to be paid to the acting members of the committee of management of the Montreal Recollet School Institution, towards maintaining the said school; and a further sum, not exceeding 100*l.* currency, to be paid to the Society of Education at Three Rivers, towards maintaining their school; and a further sum, not exceeding 50*l.* currency, to be paid to the society of the Montreal Infant School, towards maintaining the said institution; and a further sum, not exceeding 200*l.* currency, to be paid to the committee of management of the British and Canadian School at Montreal, towards maintaining the said school; and a further sum, not exceeding 230*l.* currency, to be paid to the Society of Education in the district of Quebec, as an aid towards maintaining their school; and a further sum, not exceeding 50*l.* currency, to be paid to the said society, as an aid towards maintaining the girls' school lately established by their direction, and under the management of the Society of Ladies; and a further sum, not exceeding 200*l.* currency, to be paid to the committee of management of the British and Canadian School at Quebec, for the following purposes; that is to say, a sum not exceeding 150*l.* currency, towards maintaining their school for boys; and a sum, not exceeding 50*l.* currency, towards maintaining their school for girls; and a further sum not exceeding 100*l.* currency, to be paid to the trustees of St. Andrew's School at Quebec, as an aid towards maintaining their school; and a further sum, not exceeding 50*l.* currency, to be paid to the committee of management of the Quebec Mechanics' Institute, as a gift for the present year; and a further sum not exceeding 50*l.* currency, to be paid to the Literary and Historical Society of Quebec, as an aid towards defraying their unavoidable expenses during the present year; and a further sum, not exceeding 200*l.* currency, to be paid to the trustees of the St. Jacques' School, Montreal, as a gift to the school under their management; and a further sum, not exceeding 111*l.* 2*s.* 2*d.* currency, to be paid to the committee of management of the National School at Quebec, as an aid towards maintaining the said school; and a further sum of 111*l.* 2*s.* 2*d.* currency, to pay the salary of the master of the National School at Montreal; and a further sum of 100*l.* currency to the committee of the American Presbyterian Free School at Montreal, as an aid in support of the said school; and a further sum of 45*l.* currency to pay the salary of the teacher of the school under the management of the Royal Institution at Three Rivers; and a further sum, not exceeding the sum of 200*l.* currency, to be paid to the Rev. Messire Prince, of the College of St. Hyacinthe, as an aid to enable him to maintain the said institution; and a further sum, not exceeding 200*l.* currency, to be paid to the Rev. Messire Mignault, founder of the college at Chambly, as an aid towards enabling him to maintain the said institution; and a further sum not exceeding 200*l.* currency, to be paid to the Rev. Messire Mailloux, of the College of St. Anne de la Pocatière, as an aid to enable him to maintain the said institution; and a further sum, not exceeding 100*l.* currency, to be paid to the trustees of the Academy of Charlestown, as an aid towards the maintenance of the said academy; and a further sum, not exceeding 100*l.* currency, to the trustees of the Stanstead Seminary, as an aid towards maintaining the said establishment; and a further sum, not exceeding 100*l.* currency, to be paid to the Society of Education at Berthier, as an aid towards maintaining their school; and a further sum, not exceeding 100*l.*, to be paid to the Rev. Messire Labelle, of the College of L'Assomption, as an aid towards maintaining the said establishment.

And be it further ordained and enacted, by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, showing the sums advanced to the accountant, the sum actually expended, the balance, if any, remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver-general; and that every such account shall be supported by vouchers therein distinctly referred to by numbers corresponding to the numbering of the items in such account, and shall be made up to and closed on the 10th day of April and 10th day of October in each year in which such expenditure shall be made, and shall be attested before a justice of the Court of King's Bench, or a justice of the peace, and shall be transmitted to the officer whose duty it shall be to receive such account within 15 days next after the expiration of the said periods respectively.

And be it further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this Act shall be accounted for to Her Majesty, her heirs, and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs, and successors shall direct.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Cap. I.

Wh
toward
enacted
commis
for the
authori
passed
tempor
enacted
govern
during
hands o
that is
support
of Octo
rency to
Hospita
inclusiv
required
day of C
currency
Quebec
sum not
clothing
the 10th
defraying
Dieu at
inclusiv
founding
October
currency
General
10 day o
the curre
day of O
currency
of the Un
under the
1836 to t
currency
a sum not
the St. R
Charitabl
exceeding
supporting
100*l.* curr
And be
sums may
tions may
it shall be
ment to re
he shall d
And be
sioners and
(tuteurs) o
respectivel
such guard
And be
whom shal
shall make
accountant
amount of
been made,
account sh
ing to the n

Britain and Ire land, passed
 1, "An Act to make tem-
 it is hereby ordained and
 be lawful for the Governor,
 by warrant under his hand,
 Receiver-general, a sum not
 e committee of management
 ing the said school; and a
 ciety of Education at Three
 ot exceeding 50*l*. currency,
 maintaining the said insti-
 e paid to the committee of
 wards maintaining the said
 paid to the Society of Edu-
 their school; and a further
 y, as an aid towards main-
 under the management of
 currency, to be paid to the
 Quebec, for the following
 towards maintaining their
 ds maintaining their school
 be paid to the trustees of
 their school; and a further
 management of the Quebec
 er sum not exceeding 60*l*
 Quebec, as an aid towards
 and a further sum, not ex-
 School, Montreal, as a gift
 exceeding 111*l*. 2*s*. 2*d*.
 exceeding 111*l*. 2*s*. 2*d*.
 School at Quebec, as a
 111*l*. 2*s*. 2*d*. currency,
 eal; and a further sum of
 ee School at Montreal, as
 currency to pay the salary
 titution at Three Rivers;
 paid to the Rev. Messire
 to maintain the said insti-
 paid to the Rev. Messire
 enabling him to maintain
 rency, to be paid to the
 e, as an aid to enable him
 00*l*. currency, to be paid
 ds the maintenance of the
 the trustees of the Stan-
 at; and a further sum, not
 on at Berthier, as an aid
 100*l*. to be paid to the
 towards maintaining the

aid, that every person to
 ies hereby appropriated,
 e sums advanced to the
 ng in his hands, and the
 such advance shall have
 general; and that every
 rred to by numbers cor-
 shall be made up to and
 ar in which such expen-
 of King's Bench, or
 uty it shall be to receive
 iods respectively.

that the due application
 Majesty, her heirs, and
 sury for the time being,
 shall direct.

J. Colborne.

Special Council under
 f Montreal, the 4th day
 a, by the grace of God
 uth, and in the year of

terk Special Council.

AFFAIRS OF LOWER CANADA, &c.

53

LOWER
CANADA.

No. 17

Sir J. Colborne to
 Lord Glenelg,
 7 May 1837.

Enclosure 4, in No. 17.

Anno Primo VICTORIÆ REGINÆ.

Cap. 17.—AN ORDINANCE to appropriate certain Sums of Money therein mentioned to the Support of certain Charitable Institutions, and for other Purposes.

WHEREAS it is expedient to appropriate certain sums of money for the purposes and towards the support of the establishments hereinafter mentioned; Be it therefore ordained and enacted, by the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted, by the authority of the same, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government, to advance and pay from time to time, during the present year, by warrant under his hand, out of any unappropriated monies in the hands of the Receiver-general, the following sums for the several purposes hereinafter specified; that is to say, a sum not exceeding 658*l*. 6*s*. 8*d*. currency towards defraying the expense of supporting the insane persons in the cells of the General Hospital at Quebec from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 511*l*. currency towards defraying the expense of supporting the sick and infirm boarders of the General Hospital of Quebec from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 100*l*. currency towards the expense of furnishing the clothing day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 580*l*. currency towards defraying the expense of supporting the foundlings in the Hotel Dieu of Quebec from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 16*l*. currency towards defraying the expense of furnishing the necessary clothing for the foundlings in the Hotel Dieu of Quebec from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 200*l*. currency towards defraying the expense of maintaining the indigent sick persons in the hospital of the Hotel Dieu at Quebec from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 600*l*. currency towards defraying the expense of supporting foundlings in the General Hospital of the Grey Nuns at Montreal from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 220*l*. currency towards defraying the expense of supporting the insane persons in the cells of the General Hospital of the Grey Nuns at Montreal from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 850*l*. currency towards defraying the current expenses of the corporation of the General Hospital at Montreal from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding 400*l*. currency towards defraying the expense of supporting the indigent sick persons in the convent of the Ursuline Nuns at Three Rivers, and of supporting the insane persons and foundlings under the charge of the commissioners for the said district, from the 11th day of October 1836 to the 10th day of October 1837, inclusive; a sum not exceeding the sum of 100*l*. currency as an aid to the lady managers of the Orphan Asylum established at Quebec; a sum not exceeding 75*l*. currency as an aid to the lady managers of the Orphan Asylum in the St. Roch suburb of Quebec; a sum not exceeding 100*l*. currency as an aid to the Lady's Charitable Society at Montreal towards supporting the orphans under their care; a sum not exceeding 100*l*. currency as an aid to the Lady's Benevolent Society at Montreal, towards supporting the widows and orphans under their protection; and, lastly, a sum not exceeding 100*l*. currency as an aid for the Orphan Asylum at Montreal.

And be it further ordained and enacted, by the authority aforesaid, that the said several sums may be advanced to the commissioners under whose superintendence the said institutions may respectively be at the time of the passing of this ordinance; provided always, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government to remove the said commissioners, or any of them, and appoint others in their stead, if he shall deem it expedient so to do.

And be it further ordained and enacted, by the authority aforesaid, that the said commissioners and their successors in office shall be and are hereby constituted the legal guardians (tuteurs) of the foundlings in the institution with reference to which they shall have been respectively appointed, and shall have the same powers as they would have if appointed to be such guardians in the ordinary course of law.

And be it further ordained and enacted, by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated shall make up detailed accounts of such expenditure, showing the sum advanced to the accountant, the sum actually expended, the balance, if any, remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver-general; and that every such account shall be supported by vouchers therein distinctly referred to by numbers corresponding to the numbering of the items in such account, and shall be made up to and closed on the

357.

H 3

10th

Encl. 4, in No. 17.

LOWER
CANADA.

No. 17.

Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 4, in No. 17.

10th day of October and the 10th day of April in each year during which such expenditure shall be made, and shall be attested before a justice of the Court of King's Bench or a justice of the peace, and shall be transmitted to the officer whose duty it shall be to receive such account within 15 days next after the expiration of the said periods respectively.

And be it further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this Act shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs and successors, shall direct.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government House, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay,
Clerk Special Council.

Enclosure 5, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 16.—AN ORDINANCE to appropriate certain Sums of Money therein mentioned for the encouragement of Agriculture.

Encl. 5, in No. 17. WHEREAS it is expedient to appropriate certain sums of money for the encouragement of agriculture; Be it ordained and enacted, by the administrator of the government of this province authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the authority of the same, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government, to advance and pay by warrant or warrants, under his hand, and out of any unappropriated monies in the hands of the Receiver-general, for the encouragement of agricultural improvements during the present year 1838, a sum not exceeding 200*l.* currency to the Agricultural Society for the district of Quebec; a further sum, not exceeding the sum of 400*l.* currency, to the Agricultural Society of for the district of Montreal; a further sum, not exceeding 75*l.* currency, to the Agricultural Society for the district of Three Rivers; and a further sum, not exceeding the sum of 75*l.* currency, to the Aricultural Society for the district of Saint Francis.

And be it further ordained and enacted, by the authority aforesaid, that all the provisions and enactments of a certain Act, passed in the first year of the reign of his late Majesty King William the Fourth, intituled, "An Act to appropriate a certain Sum of Money therein mentioned for the Encouragement of Agriculture," relating to the manner, conditions, and regulations, in and under which the monies thereby appropriated are directed to be applied and expended, shall be and are hereby extended and shall apply to the appropriations of this ordinance.

And be it further ordained and enacted, by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, showing the sums advanced to the accountant, the sum actually expended, the balance (if any) remaining in his hands, and the amount of the monies hereby appropriated to the purposes for which such advance shall have been made remaining unexpended in the hands of the Receiver-general; and that every such account shall be supported by vouchers therein distinctly referred to, by numbers corresponding to the numbering of the items in such account; and shall be made up to and closed on the 10th day of October and the 10th day of April in each year during which such expenditure shall be made, and shall be attested before a justice of the Court of King's Bench or a justice of the peace, and shall be transmitted to the officer whose duty it shall be to receive such account, within 15 days next after the expiration of the said periods respectively.

And be it further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this Act shall be accounted for to Her Majesty, her heirs, and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs, and successors shall direct.

J. Colborne.

Ordained

C
the
of N
of C
Lor

C

W
carri
rebell
justic
such
ordain
execu
Speci
under
in the
Provi
that f
grand
person
when
such
lawful
by an
return
Gazet
shall h
the di
was he
three c
such p
selves
of then
of the
forfeit
the law
And
and eve
said, sh
is or ar
the pro
of over
every s
to the c
every s
not have
of such
which s
every s
Provi
if any p
within t
to the c
Bench h
satisfact
vented fi
of absen
and may
has been
ment or
wherein
357.

AFFAIRS OF LOWER CANADA, &c.

55

LOWER CANADA.

No. 17.

Sir J. Colborne to Lord Glenelg, 7 May 1838.

Encl. 5, in No. 17.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 6, in No. 17.

Anno Primo VICTORIÆ REGINÆ.

Cap. 10.—AN ORDINANCE to provide for the more Speedy Attainder of Persons indicted for High Treason, who have fled from the Province, or remain concealed therein, to escape from Justice.

WHEREAS a wicked and unnatural rebellion against Her Majesty hath been raised and carried on within this province, and whereas divers persons who were concerned in such rebellion have fled from this province, or remain concealed therein, in order to escape from justice; and whereas it is expedient and necessary to provide for the speedy attainder of such persons, in order to deter others from the like high crimes and offences: Be it therefore ordained and enacted, by the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom and Ireland, passed in the first year of the reign of Her present Majesty, intitled "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, that from and after the passing of this ordinance, in case any indictment shall be found by a grand jury, at and before any court of competent jurisdiction in this province, against any person or persons for high treason, misprision of high treason, or treasonable practices, and when the sheriff shall make return to any warrant or capias that may issue thereupon, that such persons, or any of them, is, or are not to be found in his district, it shall and may be lawful for the Governor of this province, or the person administering the government thereof, by and with the advice of the Executive Council, immediately upon the making of such return, to issue a proclamation, to be published not less than six weeks, in the Quebec Gazette, calling upon and requiring the person or persons, against whom any such indictment shall have been found, to surrender himself, or themselves, to the custody of the sheriff of the district within which the court before which such indictment or indictments were found was held by a day, to be within the said proclamation named, such day not to be less than three calendar months from the first publication of such proclamation in the Gazette; and if such person or persons shall not, by the day in such proclamation named, surrender themselves to the custody aforesaid, and submit to justice, then, and in such case, they, and every of them, after the day in such proclamation named, shall stand and be adjudged attaindered of the crime expressed and set forth in such indictment or indictments, and shall suffer and forfeit, as a person attaindered of such crime ought to suffer and forfeit, by, and according to, the laws of this province.

Encl. 6, in No. 17.

And be it further ordained and enacted, by the authority aforesaid, that the justices of all and every court of oyer and terminer at which any such indictment shall be found as aforesaid, shall, upon the return of the sheriff that the person or persons named in such indictment is or are not to be found within the district of such sheriff, certify the said indictment and the proceedings thereon, into the court of King's Bench for the district in which such court of oyer and terminer shall be held, or shall have been holden; and it shall be the duty of every such sheriff, at the expiration of the time limited in such proclamation, to make a return to the court of King's Bench for the district of which he is sheriff of the names of all and every such person or persons who being named in any such proclamation as aforesaid, shall not have surrendered themselves to the custody of the said sheriff, pursuant to the exigency of such proclamation; and such court of King's Bench shall during the term, in or before which such last-mentioned return shall be made, direct judgment of attainder against all and every such person or persons to be entered on record.

Provided always, and be it further ordained and enacted, by the authority aforesaid, that if any person, against whom any such judgment of attainder shall have been entered, shall within three calendar months next after the day of entry of such judgment, surrender himself to the custody of the sheriff of the district in which such judgment of the court of King's Bench had been entered up, and by the oath of two credible witnesses shall establish, to the satisfaction of the court of King's Bench, that such person was actually and *bonâ fide* prevented from surrendering himself pursuant to the exigency of such proclamation, by reason of absence beyond seas, sickness, or other inevitable necessity, then, and in such case, it shall and may be lawful for the court of King's Bench of such district in which such judgment was entered up, to reverse the said judgment of attainder, and to transmit the indictment or indictments to any court of oyer and terminer, to be held in and for the district wherein such indictment or indictments was or were found, and such person so surrendering shall

357.

H 4

No. 17.
Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 6, in No. 17.

shall be tried for the offence charged in such indictment in like manner as if no such judgment of attainder had been entered.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the 1st year of the reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 7, in No. 17.

Anno Primo VICTORIÆ REGINÆ.

Cap. 20.—AN ORDINANCE for preventing mischiefs arising from the Printing and Publishing Newspapers, Pamphlets, and Papers of like nature, by Persons not known, and for other Purposes.

Encl. 7, in No. 17.

WHEREAS it is expedient that regulations should be provided touching publications of the nature hereinafter mentioned; Be it therefore ordained and enacted, by the administrator of the government of Lower Canada, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, that no person shall, after 30 days from the passing of this ordinance, print or publish, or cause to be printed or published in this province, any newspaper, pamphlet, or other paper containing public news or intelligence, or serving the purpose of a newspaper, or for the purpose of posting or general circulation in detached pieces as such newspaper, until an affidavit or affidavits, or affirmation or affirmations, made and signed as hereinafter mentioned, shall be delivered to the clerk or clerks of the peace for the district in which such newspaper or pamphlet, or other paper, shall be printed or published, containing the several matters and things hereinafter for that purpose specified and mentioned.

And be it further ordained and enacted, by the authority aforesaid, that such affidavit or affidavits, affirmation or affirmations, shall specify and set forth the real and true names, additions, descriptions, and places of abode, of all and every person or persons who is or are, or who is or are intended to be, the printer and printers, publisher and publishers of the newspaper, pamphlet, or other paper mentioned in such affidavit or affidavits, affirmation or affirmations, and of all the proprietors of the same, if the number of such proprietors, exclusive of the printer and publisher, does not exceed two; and in case the same shall exceed such number, then of two such proprietors, exclusive of the printer and publisher, and also the amount of the proportioned shares of such proprietors in the property of the newspaper, pamphlet, or other paper, and the true description of the house or building wherein any such newspaper, pamphlet, or other paper is intended to be printed, and likewise the titles of such newspaper, pamphlet, or other paper.

Provided always, and be it further ordained and enacted, by the authority aforesaid, that in every case where the number of such proprietors, exclusive of the printer and publisher, does not exceed two, the names of two proprietors the amount of each of whose proportional shares in the property of such newspaper, pamphlet, or other paper, shall not be less than the proportional share of any other proprietor, exclusive of the printer and publisher, shall be specified and set forth in such affidavit or affidavits, affirmation or affirmations.

And be it further ordained and enacted, by the authority aforesaid, that an affidavit or affirmation, affidavits or affirmations of the like import, shall be made, signed and given in like manner as often as any of the printers, publishers, or proprietors named in such affidavits or affirmations shall be changed, or shall change their respective places of abode, or their printing-house, place, or office, and as often as the title of the newspaper, pamphlet or other paper shall be changed.

And be it further ordained and enacted, by the authority aforesaid, that every such affidavit or affirmation shall be in writing, and signed by the person or persons making the same, and shall be taken by any justice of the peace for the district, in which such newspaper, pamphlet, or other paper shall be printed or published.

And be it further ordained and enacted, by the authority aforesaid, that where the persons concerned as printers and publishers of any newspaper, pamphlet, or other such paper as aforesaid, together with such number of proprietors as are hereinbefore required to be named in such affidavits or affirmations as aforesaid, shall not altogether exceed the number of four persons, the affidavit or affirmation hereby required shall be sworn or affirmed, and signed by all the said persons who are adult; and when the number of all such persons shall

shall as
if so m
contain
persons
publish
tioned,
persons
the last
such aff
signing
prietor,
he or th
person v
lose the
And I
knowing
any new
containi
not hav
ordinanc
perform
shall for
And I
persons
made, sh
or additi
any new
affirmati
knowing
addition
publisher
wilfully,
matter of
truth, or
any met
offending
corrupt p
And b
vits and
clerks of
be printe
after is n
newspape
such affir
any such
evidence
hereby re
sworn or
like man
person wh
to be a p
the contr
persons re
shall be o
or affirm
day of th
said, to w
he, she, o
or publish
person or
delivered
such news
vit or affir
And be
every new
true and
of the pri
description
shall know
such news
aforesaid
that proof
that the p

as if no such judg-

J. Colborne.

ial Council under the
treaty, the 4th day of
the Grace of God, of
and in the year of our

x Special Council.

nting and Publishing
not known, and for

ing publications of
by the administrator
ion of the Governor
the affairs of the said
an Act of the Par-
the first year of the
Provision for the Go-
that no person shall
use to be printed or
aining public news or
of posting or general
affidavits, or affirmation
delivered to the clerk
thet, or other paper,
hereinafter for that

at such affidavit or
real and true names,
persons who is or are,
and publishers of the
affidavits, affirmation
of such proprietors,
ase the same shall
inter and publisher,
the property of the
house or building
be printed, and like-

ority aforesaid, that
inter and publisher,
each of whose pro-
ther paper, shall not
ive of the printer
avits, affirmation or

that an affidavit or
signed and given in
ors named in such
ive places of abode,
newspaper, pamphlet

d, that every such
persons making the
n which such news-

t where the persons
ther such paper as
ore required to be
exceed the number
n or affirmed, and
of all such persons
shall

shall exceed four, the same shall be signed and sworn or affirmed by four of such persons, if so many of them are adult, or by so many of them as are adult; but the same shall contain the real and true names, descriptions, and places of abode of all and every person and persons, who is and are, or is and are intended to be the printer and printers, publisher and publishers, and of so many of the proprietors as are hereinbefore for that purpose mentioned, of such newspaper, pamphlet, or other such paper as aforesaid; and the person and persons so signing and swearing or affirming to the truth of such affidavit or affirmation in the last-mentioned case, shall and are hereby required to give notice within eight days after such affidavit or affirmation shall be so delivered as aforesaid, to each of the persons not signing and swearing or affirming such affidavit or affirmation, but named therein as a proprietor, printer, or publisher of such newspaper, pamphlet, or other paper as aforesaid, that he or they are so named therein; and in case of neglect to give such notice, each and every person who has so signed and sworn or affirmed such affidavit or affirmation shall forfeit and lose the sum of 20*l*.

And be it further ordained and enacted, by the authority aforesaid, that if any person shall knowingly or wilfully print or publish, or cause to be printed and published, or shall knowingly and wilfully, either as a proprietor thereof, or otherwise, sell, vend, or deliver out any newspaper, pamphlet, or other such paper as aforesaid, such affidavit or affirmation containing such matters and things as are required by this ordinance to be therein contained, not having been duly signed, sworn, or affirmed as aforesaid, and as often as by this ordinance is required, or any other matter or thing required by this ordinance to be done or performed according to this ordinance not having been so performed, such person shall forfeit and lose the sum of 6*l*.

And be it further ordained and enacted, by the authority aforesaid, that if any person or persons making such affidavit or affirmation, as in and by this ordinance is required to be made, shall knowingly and wilfully insert and set forth therein the name or names, addition or additions, place or places of abode of any person as proprietor, publisher, or printer of any newspaper, or other such pamphlet or paper as aforesaid, to which such affidavit or affirmation relates, who is not a proprietor, printer, or publisher thereof; or shall knowingly or wilfully omit to mention in such affidavit or affirmation, the name or names addition or additions, and place or places of abode of any of the proprietors, printers, or publishers thereof, contrary to the true meaning of this ordinance, or shall knowingly and wilfully, in any other manner or respect, set forth in such affidavit or affirmation any matter or thing by this ordinance required to be set forth, otherwise than according to the truth, or shall knowingly and wilfully omit to set forth therein, according to the truth, any matter or thing required by this ordinance to be therein set forth, every person so offending shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

And be it further ordained and enacted, by the authority aforesaid, that all such affidavits and affirmations as aforesaid shall be filed and kept and preserved by the clerk or clerks of the peace for the district in which such newspaper, pamphlet, or other paper shall be printed or published, and the same, or copies thereof certified to be true copies as hereinafter is mentioned, shall respectively in all proceedings civil and criminal touching any newspaper or other such pamphlet or paper as aforesaid, which shall be mentioned in any such affidavits or affirmations, or touching any publication, matter, or thing contained in any such newspaper, pamphlet, or paper as aforesaid, be received and admitted as conclusive evidence of the truth of all such matters set forth in such affidavits or affirmations, as are hereby required to be therein set forth against every person who shall have signed and sworn or affirmed such affidavits or affirmations, and shall also be received and admitted in like manner as sufficient evidence of the truth of all such matters against all and every person who shall not have signed or affirmed the same, but who shall be mentioned therein to be a proprietor, printer, or publisher of such newspaper, pamphlet, or other paper, unless the contrary shall be satisfactorily proved; provided always, that if any such person or persons respectively, against whom any such affidavit or affirmation, or any copy thereof, shall be offered in evidence, shall prove that he, she, or they hath or have signed, sworn, or affirmed and delivered to the clerk or clerks of the peace of the district, previous to the day of the date or publication of the newspaper, pamphlet, or other such paper as aforesaid, to which the proceedings civil or criminal shall relate, an affidavit or affirmation that he, she, or they hath or have ceased to be the printer or printers, proprietor or proprietors, or publisher or publishers of such newspaper, pamphlet, or other paper as aforesaid, such person or persons shall not be deemed, by reason of any former affidavit or affirmation so delivered as aforesaid, to have been the printer or printers, or publisher or publishers of such newspaper, pamphlet, or other paper after the day on which such last-mentioned affidavit or affirmation shall have been delivered to the clerk or clerks of the peace.

And be it further ordained and enacted, by the authority aforesaid, that in some part of every newspaper, pamphlet, or other such paper as aforesaid, there shall be printed the true and real name and names, addition and additions, and place and places of the abode of the printer and printers, and publisher and publishers of the same, and also a true description of the place where the same is printed; and in case any person or persons shall knowingly and wilfully print or publish, or cause to be printed or published, any such newspaper, pamphlet, or other paper as aforesaid, not containing the particulars as aforesaid and every of them, every such person shall forfeit and lose the sum of 20*l*., and that proof in the manner hereinafter mentioned, in any proceeding to recover the same, that the person proceeded against is a printer or publisher of a newspaper, pamphlet, or

No. 17.

Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 7, in No. 17.

other such paper so printed or published as aforesaid, shall be deemed and taken to be proof that such party is a person wilfully and knowingly printing or publishing the same, or causing the same to be printed or published, unless he shall satisfactorily prove the contrary thereof.

And be it further ordained and enacted, by the authority aforesaid, that it shall not be necessary, after any such affidavit or affirmation, or a certified copy thereof, shall have been produced in evidence as aforesaid, against the persons who made and signed such affidavit or affirmation, or are therein named according to this ordinance, or any of them, and after a newspaper, pamphlet, or other such paper as aforesaid, shall be produced in evidence, intituled in the same manner as the newspaper, pamphlet, or other paper mentioned in such affidavit or affirmation, or copy is intituled, and wherein the name or names of the printer and publisher, or printers and publishers, and the place of printing, shall be the same as the name or names of the printer and publisher, or printers and publishers, and the place of printing mentioned in such affidavit or affirmation, for the plaintiff, informant, or prosecutor, or person seeking to recover any of the penalties given by this ordinance, to prove that the newspaper, pamphlet, or paper to which such suit or trial relates, was purchased at any house, shop, or office belonging to, or occupied by the defendant and defendants, or any of them, or by his or their servants or workmen, or where he or they, by themselves, or their servants or workmen, usually carry on the business of printing or publishing such newspaper, pamphlet, or other such paper, or where the same is usually sold.

And be it further ordained and enacted, by the authority aforesaid, that the clerk or clerks of the peace of each and every of the districts of this province, by whom such affidavits and affirmations, or any of them, shall be kept according to the directions of this ordinance, shall and they are hereby required upon application made to them, or any of them, by any person or persons requiring a copy, certified according to this ordinance, of any such affidavit or affirmation as aforesaid, in order that the same may be produced in any civil or criminal proceeding, to deliver to the person so applying for the same such certified copy, he or they paying for the same the sum of 1s. and no more.

And be it further ordained and enacted, by the authority aforesaid, that in all cases a copy of such affidavit or affirmation, certified to be a true copy under the hand of the clerk or clerks of the peace possessing the same, shall be received in evidence as sufficient proof of such affidavit or affirmation, and that the same was duly sworn or affirmed, and of the contents thereof, and that such copies so produced and certified shall also be received as evidence that the affidavits or affirmations of which they purport to be copies, have been sworn or affirmed according to this ordinance, and shall have the same effect for the purposes of evidence to all intents whatsoever as if the original affidavits or affirmation of which the copies so produced and certified shall purport to be copies had been produced in evidence, and been proved to have been duly so certified, sworn, and affirmed by the person or persons appearing by such copies to have sworn or affirmed the same as aforesaid.

And be it further ordained and enacted, by the authority aforesaid, that all fines, penalties, and forfeitures shall be recovered by action of debt in the Court of King's Bench for the district in which the offence or offences against the provisions of this ordinance shall be committed, and that the money arising by all such fines, penalties, and forfeitures shall be, as to one moiety thereof, to and for the use of our Sovereign Lady the Queen, her heirs, and successors, and as to the other moiety thereof, to and for the use of the person who shall inform or sue for the same.

And be it further ordained and enacted, by the authority aforesaid, that this ordinance shall continue and be in force until the 1st day of November, which shall be in the year of our Lord 1840, and no longer.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 8, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 21.—AN ORDINANCE to authorize the Payment of certain Monies due by the Commissioners for the Erection of a Common Gaol in the District of Montreal.

Encl. 8, in No. 17.

WHEREAS it is expedient to appropriate certain sums of money to pay certain sums due and owing by the commissioners for the erection of a common gaol in the district of Montreal, appointed under and in virtue of an Act of the Legislature of this province, passed in the

the 10th
"An A
it there
the sac
with th
constit
the Uni
Her pre
of Low
that it
govern
unappro
be appli
assigns,
3517. 5.
represen
ther sum
Montrea
currency
or assign
3517. 0s.
heirs, rep
the furth
heirs, rep
And b
tion of t
heirs, and
time being

Ordain
the great
of May, 1
of Great
our Lord

Cap. 22.—

WHERE
population
imminent
of peace;
Government
and with t
constituted
of the Uni
Her presen
of Lower C
every able-
being a Bri
being in He
in the volu
of the provi
from such
And it is
religious tea
the Special
coroners, co
person adm
Receiver-ge
Queen's don
the collect
deputies, off
357.

emed and taken to be
publishing the same,
ctorially prove the con-

d, that it shall not be
hereof, shall have been
signed such affidavit
ny of them, and after
produced in evidence,
per mentioned in such
names of the printer
shall be the same as
blishers, and the place
f, informant, or prose-
his ordinance, to prove
trial relates, was pur-
y the defendant and
or where he or they,
e business of printing
re the same is usually

said, that the clerk or
vince, by whom such
the directions of this
de to them, or any of
to this ordinance, of
e may be produced in
for the same such cer-

d, that in all cases a
the hand of the clerk
ence as sufficient proof
or affirmed, and of the
all also be received as
be copies, have been
same effect for the pur-
vits or affirmation of
copies had been pro-
sworn, and affirmed
r affirmed the same as

that all fines, penalties,
King's Bench for the
is ordinance shall be
d forfeitures shall be,
Queen, her heirs, and
the person who shall

at, that this ordinance
shall be in the year of

J. Colborne.

Special Council, under
of Montreal, the 4th
toria, by the grace of
so forth, in the year of

rk Special Council.

Monies due by the
ct of Montreal.

pay certain sums due
the district of Mon-
is province, passed in
the

AFFAIRS OF LOWER CANADA, &c.

59

LOWER
CANADA.

No. 17.

Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 8, in No. 17.

the 10th and 11th years of the reign of his late Majesty King George the Fourth, intituled, "An Act to provide for the Erection of a Common Gaol in the District of Montreal;" be it therefore ordained and enacted, by his Excellency the administrator of the government of the said province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of this province, by warrant or warrants under his hand, to take out of any unappropriated monies in the hands of the Receiver-general the sum of 145*l.* currency, or assigns, a like sum due to them by the said commissioners; and a further sum of 361*l.* 5*s.* 8*d.* currency, to be applied to pay to Robert Morton, carpenter, or to his heirs, representatives, or assigns, a like sum, due to him by the said commissioners; and the further sum of 200*l.* 0*s.* 0*d.* currency, to be applied to pay to the Waterworks Company of Montreal a like sum, due to them by the said commissioners; and the further sum of 14*l.* 15*s.* currency, to be applied to pay to George Plowse, tin-smith, or his heirs, representatives, or assigns, a like sum, due to him by the said commissioners; and the further sum of 35*l.* 0*s.* 0*d.* currency, to be applied to pay to Sutherland and Burnett, blacksmiths, or their heirs, representatives, or assigns, a like sum, due to them by the said commissioners; and the further sum of 100*l.* currency, to be applied to pay to John Wells, architect, or to his heirs, representatives, or assigns, a like sum, due to him by the said commissioners.

And be it further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this Act shall be accounted for to Her Majesty, her heirs, and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs and successors, shall direct.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council under the great seal of the province, at the Government-house, in the city of Montreal, the 4th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 9, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 22.—AN ORDINANCE to provide for the better Defence of this Province, and to regulate the Militia thereof.

WHEREAS it is expedient to provide by law for the co-operation of the effective male population of this province for its defence, in case of war, invasion, insurrection, or of the imminent danger thereof, and for the greater security of public order and tranquillity in time of peace; Be it therefore ordained and enacted, by his Excellency the administrator of the government of the said province, authorized to execute the commission of Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted, by the authority aforesaid, that every able-bodied male inhabitant of this province above 18 years and under 60 years of age, being a British subject, and having resided in the province more than six months, and not in the volunteer force of this province, shall be liable to serve as a militia-man for the defence of the province and of the public order and tranquillity thereof, unless he be specially exempt from such service by law.

And it is further ordained and enacted, by the authority aforesaid, that all clergymen and religious teachers, the members and officers of the Legislative Council, of the Assembly, of the Special Council, of the Executive Council of this province, the judges, advocates, sheriffs, coroners, constables, and officers of the courts of justice, the secretary of the Governor, or person administering the government, and his assistants, the secretary of the province, the Receiver-general, the inspector-general of accounts, the surveyor-general, the inspector of the Queen's domain, the grand voyers of the several districts of the province and their deputies, the collector, comptroller, and officers of the Customs, the postmaster-general and his deputies, officers of Her Majesty's navy and army on half-pay, persons actually being in the

357.

12

volunteer

Encl. 9, in No. 17

LOWER
CANADA.

No. 17.

Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl 9, in No. 17.

volunteer force of this province, and persons having served as officers in the militia or volunteer force before the passing of this Act, physicians and surgeons, notaries, land surveyors, ferrymen duly licensed as such, millers, schoolmasters having above 20 scholars in regular attendance, stewards of religious communities, and all students attending in seminaries, colleges, schools, and academies, and having attended as such students at least six months previous to the time at which they might otherwise be called upon to do militia duty, shall be exempt from serving as militia-men.

And it is further ordained and enacted, by the authority aforesaid, that the militia of this province shall be commanded by such officers as the Governor, Lieutenant-governor, or person administering the government shall appoint; and the persons enrolled therein shall be formed into companies and battalions in the several cities, towns, parishes, townships, and extra-parochial places and counties in which they shall be respectively resident; provided always, that the said counties be the counties described in the Act of the Provincial Legislature of this province passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to make a new and more convenient Subdivision of the Province into Counties, for the purpose of effecting a more equal Representation thereof in the Assembly than heretofore."

And be it further ordained and enacted, by the authority aforesaid, that the proportion of the number of officers to the number of privates shall not be greater in the said militia than in Her Majesty's army, and every officer in the said militia shall be resident within the limits of his command.

And be it further ordained and enacted, by the authority aforesaid, that every captain or officer commanding a company of militia shall, as soon as conveniently may be, fix a time or times and place for enrolling all the militia-men who reside within the limits which shall be assigned for his company by the colonel or field-officer commanding the militia of the district or battalion, of which time or times and place each captain or officer commanding a company shall give, or cause to be given, public notice at the door of the parish church or other public places of Divine worship within the parish, township, or extra-parochial place, on a Sunday immediately after Divine service in the morning, which time of meeting shall be, if in the county, either on a Sunday or holiday, or if in the cities or towns, on a day or days which in all cases shall not be less than seven days after that on which the public notice shall be given; and every militia-man who, after public notice so given, shall not either present himself in person, and give in his name, age, and place of residence, or cause his name, age, and place of residence to be made known in some certain way to the captain or other officer of the company attending at the time and place so fixed, so as such militia-man may be enrolled, shall for such neglect incur the penalty hereinafter mentioned and provided; and every militia-man who shall remove out of the limits assigned for the company in which he is or ought to be enrolled, and shall not, within 10 days after his arrival at the place of his new residence, or where he shall hire himself, either present himself for enrolment or cause his name, age, and place of residence, with that from whence he last removed, to be made known as aforesaid to the captain, or, in his absence, to the senior officer commanding the company of militia of such place, so as that he may be enrolled, shall for such neglect incur the penalty hereinafter mentioned and provided; and every person in this province who shall not, within one month after he shall have attained the age of 18 years, either present himself for enrolment or cause his name, age, and place of residence to be made known as aforesaid, so that he may be enrolled in the company of militia of the limits wherein his place of residence may be, shall for such neglect incur the penalty hereinafter mentioned and provided; and every man within the age above described who shall come to reside in this province, and shall not, within three months after his arrival therein, either present himself for enrolment or cause his name, age, and place of residence to be made known as aforesaid, so as that he may be enrolled in the company of militia of the limits wherein his place of residence may be, shall, for such neglect, incur the penalty hereinafter mentioned and provided; provided always, and it is further ordained and enacted, by the authority aforesaid, that the neglect of the person in either of the cases hereinbefore specified, so to present himself for enrolment, or to cause himself to be made known in some certain way, so as to be enrolled, shall not be construed to prevent the captain of the company of militia of the limits wherein the place of residence of any such person may be, from entering the name, and such captain is hereby required to enter the name of every such person as shall come to his knowledge upon the roll of his company, and when so entered, every such person shall be subject to perform all and every the like militia duties, and under the same penalties, as if he had personally presented himself for enrolment; provided also, that if any difference shall arise betwixt a captain and a militia-man, touching the age of such militia-man, it shall be incumbent on the said militia-man to prove his age.

And be it further ordained and enacted, by the authority aforesaid, that the officers by whom such enrolment shall be made, shall, at the time of making the first enrolment, give sufficient notice to each militia-man of the time and place appointed by law for the ensuing muster.

And be it further ordained and enacted, by the authority aforesaid, that the several companies of the said militia shall muster annually on the 20th day of June, between the hours of 11 o'clock in the forenoon and noon, at or near the church in their respective parishes or townships, or extra-parochial places, or, if there is no church, then at some other place within their respective parishes, townships, or extra-parochial places, of which sufficient notice shall be given; and in the cities of Quebec and Montreal, and Town of Three Rivers, the said muster shall be held at seven o'clock in the morning, and a true return of the militia-men present at every

such

such m
ment,
belong
the com
the en
the sai
prescri

And
of blan
or pers
them t
include
are resi

And
with th
it shall
from ar
vince, s
exceed
cretion
serve d
for the

Prov
every n
stead p
himself
which l
shall ag
subject,
serve in
been ba

And
ordered
paid an
poral pu
militia s
to the se

And I
Her Ma
senior in

And he
of the m
by the c
officer in
militia i
the Gover
so order
insurrect
or such
the Gover
shall be
this ordin

And b
ferries or
men or o
in the ex
tion there
necessary
bridge, fr

And b
man not
every act
to other t
acting in
justices o
such pen
justices s
man; and
be by auc
such just
command
enter the
And be

received b
such

in the militia or volunteers, land surveyors, 20 scholars in regular training in seminaries, as at least six months do militia duty, shall

that the militia of this lieutenant-governor, or enrolled therein shall be, parishes, townships, actively resident; pro-Act of the Provincial his late Majesty King venient Subdivision of representation thereof

that the proportion of in the said militia than resident within the limits

that every captain or may be, fix a time or limits which shall be the militia of the district commanding a company in a parish church or other parochial place, on a meeting shall be, if days, on a day or days which the public notice a, shall not either pre- ce, or cause his name, to the captain or other such militia-man may tioned and provided; for the company in after his arrival at the ent himself for enrol- ment he last removed, the senior officer com- manded, shall for such every person in this pro- age of 18 years, either residence to be made a of the limits wherein the penalty hereinafter ribed who shall come arrival therein, either residence to be made any of militia of the ct, incur the penalty further ordained and in either of the cases e himself to be made tained to prevent the residence of any such required to enter the ll of his company, and every the like militia himself for enrolment; militia-man, touching man to prove his age, that the officers by e first enrolment, give oy law for the ensuing

the several companies the hours of 11 o'clock parishes or townships, or ce within their respec- notice shall be given; the said muster shall men present at every such

AFFAIRS OF LOWER CANADA, &c.

61

LOWER CANADA.

No. 17.

Sir J. Colborne to Lord Glenelg, 7 May 1838.

Encl. 9, in No. 17.

such muster, shall be made without delay to the Governor or person administering the govern- ment, by the commanding officer of the battalion to which such companies shall respectively belong. Provided always, that whenever the 20th day of June shall happen on a Sunday, the commanding officer may, if he shall deem it expedient, appoint any day and hour in the said week for such muster, giving sufficient notice thereof to each militia-man before prescribed by the 5th section of this ordinance.

And be it further ordained and enacted, by the authority aforesaid, that a sufficient number of blank forms of returns shall be forwarded by order of the Governor, Lieutenant-governor, or person administering the government, to the commanding officers of battalions, to enable them to make their returns for the several parishes, townships or extra-parochial places, included within the limits in which the militia-men, composing their respective battalions are resident.

And be it further ordained and enacted, by the authority aforesaid, that in case of war with the United States of America, or of invasion, insurrection, or imminent danger thereof, it shall be lawful for the Governor or person administering the government, to order out from amongst the officers of the several companies of the said militia throughout the province, and from amongst the unmarried militia-men under 30 years of age, a number not exceeding one-fifth of the whole, who shall be drawn by ballot, or commanded, at the discretion of the officer commanding the battalion, for the purpose of being trained, and shall serve during a time not exceeding six calendar months, for the defence of the province and for the maintenance of good order and security thereof.

Provided always, and be it further ordained and enacted, by the authority aforesaid, that every man so called out or commanded to be trained, and to serve as aforesaid, may in his stead provide a good and sufficient substitute, being a militia-man in the same battalion with himself, and subject to the approbation of the commanding officer of the detachment, in which he shall have been called out to serve, and if such substitute shall be approved, and shall agree to perform the duty to which the militia-man presenting him would otherwise be subject, the said militia-man shall be discharged therefrom, and the said substitute shall serve in his stead, in the same manner and under the same penalties as if he had himself been balloted for or commanded for such service.

And be it further ordained and enacted, by the authority aforesaid, that the militia so ordered out shall be under the same rules and regulations as at present in force, and shall be paid and provided for in every respect as Her Majesty's army, but shall not be liable to corporal punishment; and all courts-martial held for the trial of any person serving in the militia so ordered out shall be composed exclusively of militia officers, and shall be subject to the same rules and forms of proceeding as courts-martial in Her Majesty's army.

And be it further ordained and enacted, by the authority aforesaid, that all the officers of Her Majesty's navy or army, serving with the militia so ordered out, shall be held to be senior in rank to the officers of militia of their respective grades.

And be it further ordained and enacted, by the authority aforesaid, that all or any part of the militia in any parish, township, extra-parochial place or county, may be ordered out by the civil authority in execution of the laws, on an order in writing addressed to the officer in command in such parish, township, extra-parochial place or county, and that the militia in any parish, township, extra-parochial place or county, may be ordered out by the Governor or person administering the government, in case the county in which the militia so ordered out are resident, or an adjoining county being actually invaded or in a state of insurrection; and the militia so ordered out shall serve until such invasion shall be repelled, or such insurrection suppressed; and the militia so ordered out by the civil authority, or by the Governor or person administering the government, in case of invasion or insurrection, shall be subject to the same rules and regulations as if ordered out under the 9th section of this ordinance.

And be it further ordained and enacted, by the authority aforesaid, that all persons holding ferries or bridges that may be on the public high roads, shall be held to carry militia-men or officers of militia, as also their baggage, effects, munitions, and implements of war, in the execution of their duty as such; and also on their immediate return from the execution thereof, with any person or persons under their charge or in their custody, and also the necessary conveyance over every such ferry, and to permit them to pass over every such bridge, free of all charges of ferryage or toll whatsoever.

And be it further ordained and enacted, by the authority aforesaid, that every militia-man not being at the time ordered out or embodied for actual service, shall for each and every act of disobedience to the provisions ordained in the 6th section of this ordinance, or to other the provisions of this ordinance, or to the lawful commands of his officer or officers, acting in the execution of their duty under the same, on conviction thereof, before any two justices of the peace in special sessions convened, and publicly held for that purpose, incur such penalty not exceeding 20s., nor less than 5s. currency, as in the discretion of the said justices shall be proportioned to the nature of the offence, with costs against such militia-man; and if such fine be not paid in eight days after conviction, the said militia-man shall be by such justices committed to the common gaol until such fine shall have been paid, and such justices shall without delay transmit the amount of the penalty when paid to the officer commanding the battalion to which such militia-man shall belong, and such officer shall enter the same on his return to the Governor or person administering the government.

And be it further ordained and enacted, by the authority aforesaid, that all penalties so received by any officer commanding a battalion shall be by him applied to such militia purposes,

LOWER
CANADA

No. 17.
Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 9, in No. 17.

62

CORRESPONDENCE RELATIVE TO THE

poses, and shall be accounted for in such manner as the Governor or person administering the government shall direct, and an account of all sums so received, and of the manner in which the same shall have been applied, shall, when required, be submitted to the Governor, Lieutenant-governor, or person administering the government of the province.

And be it further ordained and enacted, by the authority aforesaid, that an ordinance of the Governor and Legislative Council of the province of Quebec, made and passed in the 27th year of the reign of his late Majesty King George the Third, intituled, "An Ordinance for regulating the Militia of the Province of Quebec, and rendering it of more general utility towards the preservation and security thereof;" and another ordinance of the said Governor and Legislative Council, made and passed in the 29th year of the reign of the said late King George the Third, intituled, "An Act or Ordinance to explain and amend an Act, intituled, 'An Act or Ordinance for better regulating the Militia of this Province, and rendering it of more general utility towards the preservation and security thereof,'" be repealed, and the same are hereby repealed for and during the continuance of this ordinance.

And be it further ordained and enacted, by the authority aforesaid, that the due application of all monies received under the authority of this ordinance shall be accounted for to Her Majesty, Her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her heirs and successors, shall please to direct.

And be it further ordained and enacted, by the authority aforesaid, that this ordinance shall remain in force until the 1st day of May 1840, and no longer.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house in the city of Montreal, the 5th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God Queen, defender of the faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 10, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 23.—AN ORDINANCE to authorize the Commissioners appointed under a certain Act of the Legislature of this Province therein mentioned to borrow a further Sum of Money, to be applied to the Improvement and Enlargement of the Harbour of Montreal, and for other purposes.

Encl. 10, in No. 17.

WHEREAS it is necessary to provide further for more fully carrying into effect a certain Act of the Legislature of this province, passed in the 10th and 11th years of the reign of His late Majesty George the Fourth, intituled, "An Act to provide for the Improvement and Enlargement of the Harbour of Montreal," and a certain other Act of the Legislature of this province, passed in the 2d year of the reign of His late Majesty William the Fourth, intituled, "An Act to authorize the Commissioners appointed under a certain Act therein mentioned to borrow a further Sum of Money, to be applied to the Improvement and Enlargement of the Harbour of Montreal, and for other purposes;" be it therefore ordained and enacted by the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the 1st year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority aforesaid, that it shall be lawful for the commissioners appointed under the authority of the said Acts, for the purpose of defraying the expenses attending the execution of the work mentioned in the said Acts, to borrow, with the approbation and consent of his Excellency the Governor, or the administrator of the government of this province for the time being, from time to time, at the legal rate of interest, or on more advantageous terms if it be in their power, and as the same may become necessary for the purposes aforesaid, any sum or sums of money not exceeding in the whole 40,000 £. currency over and above the sums which the said commissioners are by the said Acts, or by a certain other Act of the said Legislature, passed in the 1st year of the reign of His late Majesty King William the Fourth, authorized to borrow for the said purpose.

And be it further ordained and enacted, by the authority aforesaid, that it shall and may be lawful for the said commissioners, from and after the passing of this Act, in the improvement and enlargement of the said harbour of Montreal, to proceed to the entire execution of the plan of Captain Piper, of which mention is made in the 2d section of the aforesaid Act first above mentioned, and to the completion of all and every the works which may be necessary for such entire execution of the said plan.

And be it further ordained and enacted, by the authority aforesaid, that it shall and may be lawful for the said commissioners to carry on the level of Commissioners-street, and the prolongation

longatio
and from
propriet
consequ

And
interest
dues col
and enac
nistering
advances
hands of
the said
each and
money s

And w
utility,
the city
on the s
should b
poses of
contiguo

for the p
the said
that the
are here
the owne
of land,

persons v
and trust
of those
couvertes
of, or ent
aforesaid
cessors, f
said part

And be
the said
aforesaid,
price and
part there
fixed, auc

said coun
being an
shall and
disinteres
shall and
person, w
justices o
to execut
tively of
the price
or their st
aforesaid,
aforesaid,

And be
owners or
or any of
shall refus
and disint
said shoul
lawful in
district of
cessors, to
arbitrator
ought to h
and third

been respe
duty of ar
in the prem
third arbit
scribed as

And be
price or pr
in case of

person administering
and of the manner in
mitted to the Governor,
rovince.

that an ordinance of the
and passed in the 27th
l, "An Ordinance for
more general utility to-
of the said Governor
n of the said late King
mend an Act, intituled,
e, and rendering it of
be repealed, and the
ance.

that the due application
accounted for to Her
of Her Majesty's Treas-
her heirs and successors,

that this ordinance shall

J. Colborne.

Special Council, under
Montreal, the 5th day
by the grace of God
8.

erk Special Council.

ed under a certain Act
urther Sum of Money,
our of Montreal, and

ing into effect a certain
years of the reign of
for the Improvement
ct of the Legislature of
William the Fourth,
a certain Act therein
Improvement and En-
therefore ordained and
honzed to execute the
officent of the Special
d-by virtue and under
at Britain and Ireland,
ed, "An Act to make
s hereby ordained and
mmissioners appointed
expenses attending the
approbation and con-
venement of this pro-
or on more advanta-
sary for the purposes
of currency over and
by a certain other Act
Majesty King William

that it shall and may
s Act, in the improve-
the entire execution of
of the aforesaid Act
which may be neces-

at it shall and may be
-street, and the pro-
longation

longation thereof, according to the plan and level of Captain Piper hereinbefore mentioned, and from and out of the monies to be borrowed as aforesaid to indemnify any proprietor or proprietors of buildings and dwellings for any injury or damage which they may sustain in consequence of such alteration in the levels.

And whereas it is expedient that provision should be made for the due payment of the interest of the money so borrowed until the work shall be executed, wharfage and other dues collected, out of which the said interest may be paid; be it therefore further ordained and enacted, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of this province, to authorize, by warrant under his hand, the advances to the said commissioners of such sums out of the unappropriated monies in the hands of the Receiver-general as may be necessary to enable the said commissioners to pay the said interest; and such advances shall be made in the months of January and of July in each and every year, and the said commissioners shall immediately pay over the sums of money so advanced to the persons to whom such interest may be due.

And whereas it may be deemed necessary and expedient for the greater improvement, utility, and convenience of the said harbour, and for the more easy communication between the city and the harbour, that certain dwelling-houses, land, and premises erected and being on the south side of the Old Market-place, and between the said market-place and the river, should be purchased and vested in the said commissioners, and their successors, for the purposes of the said Acts and of this ordinance; and also that certain pieces and parcels of land contiguous to the said harbour should be in like manner purchased and vested as aforesaid, for the purpose of widening and prolonging the street called Commissioner-street, in front of the said harbour; be it therefore further ordained and enacted, by the authority aforesaid, that the said commissioners, or their successors, at any time or times hereafter, may and they are hereby authorized and empowered to contract, compound, compromise, and agree with the owners and occupiers of the said dwelling-houses, land, and premises, pieces and parcels of land, or any part of them, for the purchase thereof; and it shall and may be lawful for all persons whomsoever, bodies politic and corporate, guardians, curators, fiduciary legatees, and trustees whatsoever, for themselves, their heirs and successors, and for and on behalf of those whom they represent, or for whom they act, whether infants, lunatics, idiots, *femmes couvertes*, or other person or persons whomsoever, who are or shall be seized of, or possessed of, or entitled to such dwelling-houses, land and premises, pieces and parcels of land as aforesaid, to contract for, sell, and convey the same to the said commissioners and their successors, for such price and prices or consideration, as may be agreed upon between them the said parties respectively.

And be it further ordained and enacted, by the authority aforesaid, that in all cases where the said commissioners or their successors, and the said owners and occupiers of the premises aforesaid, or of any part thereof, shall not, by voluntary agreement, settle and determine the price and prices, compensation and compensations, to be paid for the said premises, or any part thereof, such price and prices, compensation and compensations, shall be ascertained, fixed, and determined by the award of arbitrators in manner following; (that is to say,) the said commissioners, or their successors, shall and may nominate and appoint one arbitrator, being an indifferent and disinterested person, and the said owners or occupiers respectively shall and may nominate and appoint one or other arbitrator, being also an indifferent and disinterested person, and the said two arbitrators, before proceeding to act as such arbitrators, shall and may appoint a third arbitrator, being likewise an indifferent and disinterested person, which said three arbitrators, after having been previously sworn before one of the justices of the Court of King's Bench for the district of Montreal, well, truly, and honestly to execute the trust and duty of arbitrators as aforesaid, and after notice to the parties respectively of the time and place of their meeting, shall proceed to ascertain, fix, and determine the price or prices, compensation or compensations, to be paid by the said commissioners, or their successors, for such dwelling-houses, land, and premises, pieces and parcels of land aforesaid; and the award of any two of the said arbitrators, to be named and appointed as aforesaid, in and respecting the premises aforesaid, shall be final.

And be it further ordained and enacted, by the authority aforesaid, that in case the said owners or occupiers of the said dwelling-houses, land, premises, pieces and parcels of land, or any of them, after due notice in this behalf from the said commissioners, or their successors, shall refuse or neglect to name and appoint an arbitrator as aforesaid, being an indifferent and disinterested person as aforesaid, or if the two arbitrators named and appointed as aforesaid should refuse or neglect to name and appoint a third arbitrator as aforesaid, it shall be lawful in such cases respectively for one of the justices of the Court of King's Bench for the district of Montreal, on application in this behalf by the said commissioners, or their successors, to name and appoint, instead of such owner or occupier so refusing or neglecting, an arbitrator on his behalf, or such third arbitrator, to supply the place of the nomination which ought to have been made by the two arbitrators previously appointed; and the arbitrator and third arbitrator so as aforesaid to be appointed by such justice as aforesaid, after having been respectively sworn by such justice, well, truly, and honestly to execute the trust and duty of arbitrator, and third arbitrator as aforesaid, shall have the same power and authority in the premises, and their award shall have the same force and effect as if such arbitrator and third arbitrator had been named and appointed in the manner in the preceding section prescribed as aforesaid.

And be it further ordained and enacted, by the authority aforesaid, that on payment of the price or prices, compensation or compensations, to be fixed and determined as aforesaid, or in case of refusal or neglect to accept the same, on the deposit thereof in the hands of the

prothotary

LOWER
CANADA.

No. 17:

Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 10, in No. 17.

prothonotary of the said Court of King's Bench for the district of Montreal, for the use of the person or persons entitled to the same, the right of property, title, and interest in said such dwelling-houses, land and premises, pieces or parcels of land, for which such price of prices, compensation or compensations, shall be payable, shall be divested out of the owners and occupiers thereof, and the same shall become and be vested in the said commissioners and their successors for the purposes of the said Acts and of this ordinance.

And be it further ordained and enacted, by the authority aforesaid, that it shall and lawfully be lawful for the said commissioners, or their successors, to pay such price and prices, compensation and compensations, as aforesaid, to be agreed upon, fixed, and determined, as aforesaid, from and out of the sum and sums of money to be borrowed as aforesaid, in pursuance of the provisions of this ordinance.

And it is further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this Act shall be accounted for to Her Majesty, Her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her heirs and successors, shall direct, and that a detailed account of the expenditure of all such monies shall be laid before the Governor, Lieutenant-governor, or person administering the government of this province, on or before the 15th day of December in each and every year.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government-house in the city of Montreal, the 6th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord 1838.

By his Excellency's command,

Wm. B. Lindsay, Clerk Special Council.

Enclosure 11, in No 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 24.—AN ORDINANCE to authorize the Incorporated and Chartered, and other Banks in this Province to authorize the Redemption of their Notes in Specie, under certain regulations, for a limited time.

Encl. 11, in

WHEREAS the banks of the United States of America and of Upper Canada have generally suspended, and continue to suspend the redemption of their notes in specie, and by the laws of those countries, British gold and silver coins are current at a higher value than they are by law in this province: And whereas it is necessary to protect the banking institutions in this province from the danger to be apprehended from the withdrawal of the British gold and silver coins and other specie therein, which would result if the said banking institutions should be bound to redeem their notes with specie; while the notes of the said banks of the United States and Upper Canada are not redeemed in like manner: Be it ordained and enacted by the administrator of the government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make Temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that any bank in this province now incorporated or chartered by any ordinance or law thereof, or by royal charter, which has heretofore ceased, or which shall cease to redeem its notes or other liabilities in the current coin of this province, shall not in consequence thereof be compelled to cease its banking operations, or be deemed to have forfeited its ordinance, act, or royal charter of incorporation, or be rendered liable to any disability, penalty, or forfeiture by reason of its having ceased to redeem its notes and liabilities in lawful current coin as aforesaid, anything, or any ordinance, or law, or act of incorporation of this province, or in any royal charter, of such bank, to the contrary notwithstanding: provided that it shall appear proper to the Governor, Lieutenant-governor, or person administering the government of the province, that such banks should, under the circumstances disclosed by them, be allowed to continue their business of banking, notwithstanding the suspension of cash payments, in which case it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of the province, in Council, to issue an order or minute to that effect, which shall be published in the Quebec Gazette during the term of such suspension of cash payments; and such order or minute of the Governor, Lieutenant-governor, or person administering the government of the province, and Council, shall have the effect of saving such bank from any forfeiture of the rights, benefits, or privileges, and other advantages conferred on or granted to it by any ordinance of the Governor, Lieutenant-governor, or Council for the affairs of this province, or by any act of the Legislature of this province, or by royal charter, by reason of their suspension of cash payments, before or after the making of such order or minute, and from any and every penalty or disability which would or might otherwise ensue thereon; and provided also, that such bank shall, with its petition or application

for an
such a
Govern
statem
conclu

of the
of all d
bills of
one ha
and wh
and wh
rate an
profits
bank
each de
has wh
names
time for
said bar
mencem
to the d
said sta
of the p
officer o
judge o
nothing
statemen

And
during t
banks in
sary to r
fore orde
or charter
nance, h
courts of
said coun
defendan
or charter
this ordi
thereof),
accepted
further o
from the
into cour
court, the
amount o

And b
tinuance
banks wi
of this o
payable o
during th
ordinance
pending,
shall be l
court sha
vided alw
taining th
that any
permit pr
provided,
which sha
the court
for the pu
the further

And be
the said in
ordinance,
357-

for an order or minute in the behalf aforesaid, and whensoever afterward, during the time of such suspension of specie or cash payments, the same shall be required, render unto the Governor, Lieutenant-governor, or person administering the government of this province, a statement of the affairs of the said bank, containing on the one part, the amount of notes in circulation, the net profits in hand, the balances due to other banks, and the cash deposited in the said bank, distinguishing deposits bearing interest if any there be, and on the other part, the amount of current coins, and gold and silver bullion in the vaults of the said bank, the value of the buildings and other real estate belonging to the said bank, and notes of all debts owing to the said bank, the balances due from other banks, and the amount of bills of exchange, discounted notes, mortgages and other sureties, thus exhibiting, on the one hand, the debts due by the said bank, and on the other hand, the resources thereof, and which statement of the affairs of the said bank shall also contain a statement of the amount of the capital stock subscribed, and of the amount thereof actually paid in, the rate and amount of the then last dividend declared by the said bank, the amount of the profits reserved at the time of declaring such dividend, the amount of debts due to the said bank, and secured by the pledge of the stock thereof, belonging to the persons from whom such debts are due, and the amount of debts overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts; and a list of the names of all persons who shall, at the commencement of every quarter of the year during the time for which such statement shall be required and made, have been shareholders in the said bank, specifying the number of shares held by each and every such person at the commencement of each quarter, and also the amount of paper discounted for, or monies loaned to the directors, or for which they may be in any way security to the said bank; and the said statement of the affairs of the said bank shall be rendered as aforesaid, under the oaths of the president or vice-president, and three of the directors, and the cashier or principal officer of the bank rendering the same; which oaths shall and may be administered by any judge of Her Majesty's court of King's bench for this province: Provided always, that nothing herein contained shall compel or authorize any bank to particularize in any such statement the private account of any person or persons with the said bank.

And whereas it may be found impracticable for individuals or associations of individuals, during the suspension of payments in specie by all or any of the incorporated or chartered banks in this province, to obtain gold or silver coins legally current therein, and it is necessary to make such provision as may afford reasonable protection in that behalf; Be it therefore ordained and enacted by the authority aforesaid, that so long as the said incorporated or chartered banks in this province, or any of them, shall, under the provisions of this ordinance, have authority to suspend payments in specie, it shall and may be lawful for the courts of this province, in any actions depending or to be hereinafter brought in any of the said courts, on summary proof being made that the amount of debt was tendered by the defendant to the plaintiff before the institution of the action, in notes of the said incorporated or chartered banks, which shall have been authorized to avail themselves of the provisions of this ordinance (the said notes being generally current at par, and payable to the bearer thereof), and on the said amount of debt being in such notes also paid into court, to be accepted by the plaintiff if he see fit, to stay proceedings in such action without costs, until further orders shall be made thereon, and the amount of said debts shall not bear interest from the day that the tender thereof shall be made, if the said amount be subsequently paid into court in notes as aforesaid: provided it be made to appear to the satisfaction of the court, that the necessity for proceeding in such action does not arise from the want of the amount of debt being ascertained.

And be it further ordained and enacted by the authority aforesaid, that during the continuance of this ordinance no action or suit shall be prosecuted against any of the aforesaid banks which shall have been authorized to suspend payment in specie under the provisions of this ordinance, in order to compel payment of any notes of such bank expressed to be payable on demand, and it shall be lawful for the president and director of every such bank during the continuance of their suspension of cash payments in the manner allowed by this ordinance, to apply to the court wherein any such action shall be brought or shall be depending, to stay proceedings therein in a summary way; and in case such action or suit shall be brought to compel payment of any note or notes made payable on demand, such court shall stay all proceedings accordingly during the continuance of this ordinance: provided always, that if it shall appear to such court to be necessary for the purpose of ascertaining the amount of any demand on such bank, or otherwise for the furtherance of justice, that any proceedings should be had for such purpose, it shall be lawful for such court to permit proceedings to be had in any such action or suit for such necessary purpose only: provided also, that no costs shall be recovered against any such bank in any action or suit which shall be brought for the purpose of compelling payment of any debt or demand, unless the court wherein the same shall be brought shall be of opinion that the same was necessary for the purpose of ascertaining the amount of such debt or demand, or the title thereto, or for the furtherance of justice as aforesaid.

And be it further ordained and enacted by the authority aforesaid, that so long as any of the said incorporated or chartered banks in this province shall, under the provisions of this ordinance, continue their business of banking without paying their notes in specie on demand,

LOWER
CANADA.

No. 17.
Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 11, in No. 17.

the total amount of the notes of such bank in circulation shall not at any time exceed the amount of capital stock of such bank actually paid in.

And be it further ordained and enacted by the authority aforesaid, that during the time of such suspension of specie or cash payments it shall not be lawful for any incorporated or chartered bank in this province, which hath suspended or shall suspend specie or cash payments, to sell any portion of the gold or silver which may be in its possession, or to make any other disposition thereof which shall diminish the amount according to its legal value, than by paying in change the fractional parts of a dollar,

And be it further ordained and enacted by the authority aforesaid, that all and every the provisions in this ordinance contained shall and may extend to a certain association carrying on the business of banking at the city of Montreal, under the name and firm of Viger, Dewitt & Co., and commonly called the "People's Bank," or "La Banque du Peuple;" provided always, that in addition to the statement and statements required by the first section of this ordinance, the said association do furnish, under the oaths therein expressed, a list of the names, places of residence, and additions of the copartners and stockholders of and in the said association; with the number of shares and amount of capital stock subscribed by each of them respectively, and the amount of stock, capital stock, by each of them respectively actually paid in; and distinguishing also in such list of copartners and stockholders the names of such of them as are the president, vice-president, and directors of the said association.

And be it further ordained and enacted by the authority aforesaid, that all and every the provisions in this ordinance contained shall and may likewise extend to a certain association or joint-stock company, established in London for the purpose of carrying on the business of banking in the provinces of British North America, under the name or title of "The Bank of British North America," and whereof a branch has been established in each of the cities of Quebec and Montreal: provided always, that in lieu of the statement and statements required of the other banks by the first section of this ordinance, the local directors and managers of each of the said branches shall furnish, under the oaths of three of the said local directors and of the manager respectively, a true and faithful return of the affairs of each of the said branches in conformity with the Schedule (A.) herunto annexed.

And be it further ordained and enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of this province, in Council, when it shall appear proper and advisable to his Excellency the Governor, Lieutenant-governor, or person administering the government, and Council, at any time during the suspension of payment in specie by any of the said banks or associations in this ordinance mentioned, to revoke the order or minute whereby any of the said banks or associations were or was allowed to continue their business of banking, notwithstanding their suspension of cash payments, and that on the expiration of 60 days from and after the publication in the Quebec Gazette of an order or minute to that effect, of the Governor, Lieutenant-governor, or person administering the government of this province, in Council, the bank or banks, association or associations, in the last-mentioned order or minute specified, and described shall be divested and deprived of all and every the benefits, rights, privileges, and advantages, which they or any of them before that time had and possessed under the provisions of this ordinance: and that from and after the lapse of the said space of 60 days after such publication this ordinance shall be of no force or effect whatever, as to the said bank or banks, association or associations, specified and described in such order or minute, or as to the notes issued by them, or any of them, or other their liabilities, according to law.

And be it further ordained and enacted, by the authority aforesaid, that if any person shall knowingly swear falsely in any matter stated by him on oath under the provisions of this ordinance, he shall, on conviction, be deemed guilty of wilful and corrupt perjury.

And be it further ordained and enacted, by the authority aforesaid, that this ordinance shall continue in force until the 1st day of June 1839, and no longer: provided always, that it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government of this province, by and with the advice of the Executive Council thereof, by his proclamation under the great seal of the province, to declare that this ordinance, and all the provisions thereof, shall cease and determine at any time before the lapse of the period aforesaid, but not less than two months from and after the date of publication of the said proclamation.

AFFAIRS OF LOWER CANADA, &c.

67

LOWER
CANADA.

SCHEDULE (A.)

ABSTRACT from the Books of the BANK of British North America, Montreal, exhibiting a General Statement of the Affairs of the Branch.

No. 17
Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 11. in No. 17.

	£. s. d.		£. s. d.
Gold and silver, and other coined metals on hand -		Capital stock. Amount actually paid in -	
Bills and cheques on banks in these provinces, and on other banks elsewhere		Bank notes in circulation -	
Amount of all debts due, including notes, bills of exchange, and all stock and funded debts of any description, except the balances due from other banks and branches -		Net profits on hand -	
Balances due from other banks and branches -		Balances due other banks and branches -	
Real estate -		Bank acceptances outstanding -	
		Cash deposits, bearing interest -	
		Cash deposits including all sums whatsoever due from the bank not bearing interest, its bills in circulation, profits and balances excepted -	
		Amount of dividends unclaimed -	

We do hereby certify to the best of our knowledge and belief, that the above statement of the affairs of the Bank of British North America at Montreal, is correct.

Sworn before me at Montreal,
this day of }

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council, under the Great Seal of the province, at the Government-house, in the city of Montreal, the 5th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God, of Great Britain and Ireland, Queen, defender of the faith, and so forth, and in the year of our Lord 1838.

By His Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 12, in No. 17.

Anno Primo VICTORIÆ REGINÆ.

Cap. 25.—AN ORDINANCE to enable the Proprietors or Shareholders of a Company called "The Bank of British North America" to sue and be sued in the Name of any one or more of its local Directors or Managers for the time being, and for other Purposes therein mentioned.

WHEREAS several persons have formed themselves into a company or partnership called or known by the name of "The Bank of British North America," for the purpose of establishing and carrying on banks of issue and deposit at various cities, towns, and places within the several British settlements and colonies in North America, and have subscribed or raised a considerable sum of money in order to carry on the business of the said bank, it is expedient to make certain regulations for the proper conduct of the affairs of the branches of the said bank established in this province; be it therefore ordained and enacted by His Excellency the Administrator of the Government of this province, authorized to execute the commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of Great Britain and Ireland, passed in the first year of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," that it is hereby ordained and enacted by the authority of the same, that it shall be lawful, from and after the passing of this Act, for the proprietors of the capital stock of the Bank of British North America, in the name of any one or more of its local directors, or in the name of any one of the managers for the time being, to sue and be sued, to plead and be impleaded, to answer and be answered, to defend and be defended in all courts and places whatsoever, in all manner of actions, suits, and complaints,

Encl. 12, in No. 17.

SCHEDULE

357.

LOWER
CANADA.

No. 17.

Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 19, in No. 17.

68

CORRESPONDENCE RELATIVE TO THE

matters and causes whatsoever, in the Province of Lower Canada; and for the ends of justice, it shall be lawful for the said company of proprietors, in the name of any one or more of its local directors or managers, at any time being, to institute an action or actions at law and suits against any proprietors of the capital stock of the said company, or against any of the local directors or managers; also for any proprietors, local directors, or managers to prosecute the said company or association, by any action or suit against any one or more of the said local directors or managers, in any court of law in this province, any act, law or ordinance to the contrary notwithstanding.

And be it further ordained and enacted by the authority aforesaid, that it shall be lawful for the said company of proprietors of the capital stock of the Bank of British North America to issue an amount in notes at each of their branches in this province, being for a less sum than 1*l*. 5*s*. currency each, the total amount of which shall not exceed one-fifth of the actual amount placed at the credit and disposal of their respective branches, any law, usage, or custom to the contrary notwithstanding; provided that no note or bill so issued shall be of a less denomination or amount than 5*s*. of the current money of this province.

And be it further ordained and enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the Government of this province to require from the local directors and managers of the said bank a statement of the affairs of the company, in conformity with the Schedule appended hereto, marked (A.), which statement the said local directors and managers shall be bound to furnish, under oath, when so required, as aforesaid: provided always, that such statement shall also set forth the amount of capital actually placed at the disposal of the different branches respectively.

And be it further ordained and enacted by the authority aforesaid, that it shall be lawful for the said company of proprietors to hold such lands, tenements, hereditaments, and only such as shall be requisite or convenient for the transaction of their business, the same to be vested in the names of trustees, who shall consist of two or more of the local directors and the managers for the time being; provided the said lands, tenements, and hereditaments shall not exceed the yearly value of 1,000*l*. of the current money of this province; provided also, that the said bank may take and hold mortgages, *hypothèques* on real property, according to the law of this province, by way of additional security for debts contracted to the said bank in the course of its dealings; but on no account shall money be lent on mortgage, *hypothèque*, or upon land or other fixed property, nor shall such be purchased by the said bank upon any pretext, except as abovementioned.

And be it further ordained and enacted by the authority aforesaid, that if any officer, manager, clerk, or servant of the said Bank of British North America, intrusted with any bond, obligation, bill, obligatory or of credit, or of any other bill or note, or any security, money, or effects belonging to the said Bank of British North America, or having any bond, obligation or bill, obligatory or of credit, or any other bill or note, or any security, money, or effects of any other person or persons lodged or deposited with the said Bank of British North America, or with him as an officer, manager, clerk or servant of the said Bank of British North America, shall secrete, embezzle or run away with any such bill, bond, obligation, bill, obligatory or of credit, or any such other bill or note, security, money or effects, or any of them, or any part of them, every such officer, manager, clerk, or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy.

And be it further ordained and enacted by the authority aforesaid, that if any person or persons shall forge or counterfeit the common seal of the said company, or shall forge or counterfeit, or alter any bond, obligation, bill, obligatory or of credit, or any other bill or note of the said bank of British North America, or any indorsement or indorsements thereon, with an intention to defraud the said bank, or any person or persons whomsoever, or shall alter or pass any forged, counterfeit, or altered bond, obligation, bill, obligatory or of credit, or any other bill or note of the said bank of British North America, or indorsement or indorsements thereon, or shall demand the money therein mentioned and contained, knowing the same to be forged, counterfeit, or altered, every such person for every such offence, upon conviction thereof in due form of law, for the first offence, shall be deemed and adjudged to be guilty of a misdemeanour, and on being lawfully convicted thereof, shall be liable for such offence to be imprisoned for a time, which shall not be less than six months, nor more than six years, and to be kept at hard labour, or to be publicly whipped, or to stand in the pillory, or undergo one or more of the said punishments, at the discretion of the court before which such conviction shall take place, and shall for the second offence be deemed and adjudged to be guilty of felony.

And be it further ordained and enacted by the authority aforesaid, that if any person shall engrave, form, make, or mend any plate or plates, paper, rolling-press, or other tool, instrument, or material devised, adapted and designed for stamping, forging, or making any false and counterfeit bill of exchange, promissory note, undertaking, or order for the payment of money purporting to be the bill of exchange, promissory note, undertaking, or order of the said bank of British North America, or of any of the officers or persons engaged in the management of the concerns of the bank, in the name and on the behalf of the said bank, or shall have in his possession any such plate or plates engraved in any part, or any paper, rolling-press, or other tool, instrument, or material devised, adapted, or designed as aforesaid, with the intent to use and employ the same, or to cause or permit the same to be used and employed in forging and making any such false and counterfeit bills of exchange, promissory notes, undertakings, or orders, every person so offending shall be deemed and taken

taken
without
And
be law
oath of
or pers
false bi
under t
other b
or wher
counte
takings,
or order
be found
same by
whomso
required
or order
carry the
same sh
against
said in s
so produ
shall be
And b
contain
charge t
subject
between
And b
Public A
-And be
the 1st N
Lieuten
tive Cour
ordinanc
lapse of
said proc

ABSTRA

We do her
affairs of the
Sworn b
this

AFFAIRS OF LOWER CANADA, &c.

69

LOWER
CANADA.

No. 17.

Sir J. Colborne to
Lord Glenelg.
7 May 1838.

Encl. 12, in No. 17.

taken to be guilty of felony, and being thereof convicted shall suffer death as a felon, without benefit of clergy.

And be it further ordained and enacted, by the authority aforesaid, that it shall and may be lawful to and for any one justice of the peace, on complaint made before him, upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are, or hath or have been concerned in making or counterfeiting any such false bills of exchange, promissory notes, undertakings, or orders as aforesaid, by warrant under the hand of such justice to cause the dwelling-house, room, workshop, outhouse, or other buildings, yard, garden, or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected to carry on any such making or counterfeiting, to be searched for any such false bills of exchange, promissory notes, undertakings, or orders; and if any such false bills of exchange, promissory notes, undertakings, or orders, or any such plates, rolling-presses, or other tools, instruments, or materials, shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he and they are hereby authorized and required to seize, such false or counterfeit bills of exchange, promissory notes, undertakings, or orders, and such plates, rolling-presses, or other tools, instruments, or materials, and to carry the same forthwith before a justice of the peace of the county or district in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons, who shall or may be prosecuted for any of the offences aforesaid in some court of justice proper for the determination thereof; and the same, after being so produced in evidence, shall, by order of the court before which such offender or offenders shall be tried, be defaced or destroyed, or otherwise disposed of, as such court shall direct.

And be it further ordained and enacted, by the authority aforesaid, that nothing herein contained shall be construed or taken to extend to incorporate the said company, or to discharge the holders of shares from personal and individual liability to which they are now subject by law, either as between the company and any of the individual proprietors, or as between or among themselves, or in any other manner whatsoever.

And be it further ordained and enacted, that this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of by all judges, justices, and others.

And be it further ordained and enacted, that this ordinance shall continue in force until the 1st November 1843, and no longer; and it shall and may be lawful for the Governor, Lieutenant-governor, or person administering the government, with the advice of the Executive Council, by his proclamation under the great seal of the province, to declare that this ordinance, and all the provisions thereof, shall cease and determine at any time before the lapse of the period aforesaid, but not less than three months from and after the date of the said proclamation.

SCHEDULE (A.)

ABSTRACT from the BOOKS of the BANK of British North America, Montreal, exhibiting a General Statement of the Affairs of the Branch.

	£. s. d.		£. s. d.
Gold, silver, and other coins and metals on hand		Capital stock	
Bills and cheques on banks in these provinces, and on other banks elsewhere		Amount actually paid in	
Amount of all debts due, including notes, bills of exchange, and all stock and funded debts of any description, except the balances due from other banks and branches		Bank notes in circulation	
Balances due from other banks and branches		Net profits on hand	
Real estate		Balances due other banks and branches	
		Bank acceptances outstanding	
		Cash deposits, bearing interest	
		Cash deposits, including all sums whatsoever due from the bank, not bearing interest, its bills in circulation, profits and balances excepted	
		Amount of dividends unclaimed	

We do hereby certify, to the best of our knowledge and belief, that the above Statement of the affairs of the Bank of British North America at Montreal is correct.

Sworn before me at Montreal,
this day of 183

J. Colborne.

LOWER
CANADA.

No. 17.
Sir J. Colborne to
Lord Glenelg,
7 May 1838.

Encl. 12, in No. 17.

70

CORRESPONDENCE RELATIVE TO THE

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the great seal of the province, at the Government House, in the city of Montreal, the 5th day of May, in the first year of the reign of Our Sovereign Lady Victoria, by the grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, in the year of our Lord, 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

Enclosure 13, in No. 17.

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. 26.—AN ORDINANCE to make Provision for the Survey of Lake St. Peter.

Incl. 13, in No. 17. WHEREAS it is expedient to provide for the survey of Lake St. Peter in this province; be it therefore ordained and enacted by his Excellency the administrator of the government of the said province, authorized to execute the Commission of the Governor thereof, by and with the advice and consent of the Special Council for the affairs of the said province, constituted and assembled by virtue of and under the authority of an Act of Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada;" and it is hereby ordained and enacted, by the authority of the same, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of Lower Canada, to advance by warrant under his hand, and out of the unappropriated monies in the hands of the Receiver-general, a sum not exceeding 500*l.* currency, as an aid towards causing a survey to be made of Lake St. Peter, in this province.

And be it further ordained and enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government of this province, to appoint, by an instrument under his hand and seal, one or more commissioner or commissioners to carry this ordinance into effect.

And be it further ordained and enacted, by the authority aforesaid, that the due application of the monies appropriated by this ordinance shall be accounted for to Her Majesty, Her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her heirs and successors, shall direct; and that a detailed account of the expenditure of all such monies shall be laid before the Governor, Lieutenant-governor, or person administering the government of this province.

J. Colborne.

Ordained and enacted, by the authority aforesaid, and passed in Special Council under the great seal of the province at the Government-house, in the city of Montreal, the 5th day of May, in the first year of the reign of our Sovereign Lady Victoria, by the grace of God of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord 1838.

By his Excellency's command,

W. B. Lindsay, Clerk Special Council.

— No. 18. —

(No. 41.)

COPY of a DESPATCH from Lieutenant-General Sir John Colborne to
Lord Glenelg.

Government House, Montreal,
8 May 1838.

No. 18.

Sir J. Colborne to
Lord Glenelg,
8 May 1838.

My Lord,

I HAVE the honour to acquaint your Lordship that I closed the session of the Special Council on Saturday, the 5th instant.

The measures which I proposed for the adoption of the Council were considered to be closely connected with the immediate welfare of Lower Canada, and I am persuaded few of them could have been delayed without further inconvenience and embarrassment to the political and commercial interests of the province.

The

The
following
Chap
rial Tre
Chap
1st of A
This
officers
also the
persons
I think,
procure

Chap.
Chap.
tutions.

.Chap.
The se
and were

Chap.
lature for
of money

This or
Chap.
for the e

The su
pleting th
commissio

Chap.

The na
this lake,
incur grea

I shall
ordinances

I have
Special C
good feeli
made are a

The acc
on closing

In a fe
pared to r
the 15th of

I shall r
required at

357.

AFFAIRS OF LOWER CANADA, &c.

71

**LOWER
CANADA.**

No. 18.

Sir J. Colborne to
 Lord Glenelg,
 8 May 1838.

The several ordinances authorizing payments from the provincial funds are the following:

Chap. 11 authorizes the repayment of certain sums advanced from the Imperial Treasury.

Chap. 12 makes provision for the civil expenditure of the government from the 1st of April 1837 to the 10th of April 1838.

This ordinance enables the government to pay the arrears of salaries to certain officers who had performed the duties attached to their respective offices; and also the contingent accounts of the Legislative Council and Assembly. The persons claiming the salaries and payments sanctioned by this ordinance were, I think, entitled to relief the moment the local government could satisfactorily procure an adjustment of their claims.

Chap. 16 appropriates certain sums for the encouragement of education.

Chap. 17 appropriates certain sums for the support of certain charitable institutions.

Chap. 18 appropriates certain sums for the encouragement of agriculture.

The several institutions named in these ordinances required speedy assistance, and were usually provided for by a vote of the Assembly.

Chap. 23 authorizes the commissioners, appointed under an Act of the Legislature for the improvement of the harbour of Montreal, to borrow a further sum of money to be applied to the improvement and enlargement of the harbour.

This ordinance passed unanimously in the Council.

Chap. 21 authorizes the payment of certain monies due by the commissioners for the erection of a gaol in the district of Montreal.

The sums provided for by this ordinance were necessarily expended in completing the gaol for the reception of prisoners, but the contractors employed by the commissioners have remained unpaid for two or three years.

Chap. 26 makes provision for the survey of Lake Saint Peter.

The navigation of the St. Lawrence from Montreal to Quebec runs through this lake, and in consequence of the shallowness of its channel the merchants incur great risk and expense, at certain seasons, in the passage of their vessels.

I shall take the earliest opportunity of forwarding authenticated copies of the ordinances which have been passed.

I have great pleasure in assuring your Lordship that the members of the Special Council have conducted the business of the session with unanimity and good feeling; and I have reason to believe that the ordinances which have been made are approved generally in the province.

The accompanying paper contains the observations I addressed to the Council on closing the session.

5 May 1838.

In a few days I purpose leaving Montreal for Quebec, where I shall be prepared to receive Lord Durham. His Lordship will probably not arrive before the 15th or 20th instant.

I shall remain at Quebec for a few weeks, or longer, should my presence be required at the seat of government.

I have, &c.

J. Colborne.

LOWER
CANADA.

No. 18.

Sir J. Colborne to
Lord Glenelg,
8 May 1838.

Enclosure in No. 18.

Gentlemen,

Encl. in No. 18.

At an important crisis you have been appointed members of the Special Council, constituted by an Act of the Imperial Government; a measure which, it is admitted, I believe, had become indispensable, with reference both to the long-neglected interests of Lower Canada and recent events.

The full and constant attendance of the Council during the session, and the assiduity with which the business of the province has been transacted will, I am persuaded, afford general satisfaction.

I return you my thanks for your attendance, and for the attention which you have devoted to the affairs which have been brought under your consideration; and I trust that the ordinances which have been passed will essentially contribute, under existing circumstances, to the welfare of the community.

The principal measures having been adopted to which your immediate attention required to be drawn, I think it necessary to direct the Council to be prorogued.

Government House, Montreal, 5 May 1838.

ENCLOSURE
to Lord
the P
Affair

Sir,
Your
of an ins
province,
enabled
a country
rally exci
communi
the diag
in Buffalo
efforts of

I am p
United St
which has
the most
traitors, w
guilty of
adherents
done by t
subjects fr
confidently

It is
ledge, with
or otherwi
about 500
of a sediti
understand
with in this

To his E
State

Dear S
I TAKE
late Speake
tion from m
which I ha
communicat
that the pa
possession
pendence, o
lands, to at
I have n
not admitted
put an imm
contest.
Mr. M^r L
which you n

Governor

UPPER CANADA.

— No. 19. —

ENCLOSURES referred to in Lieutenant-Governor Sir F. B. Head's DESPATCH to Lord Glenelg, dated Toronto, 28 December 1837, received subsequent to the Presentation of that Despatch to Parliament. (Vide Papers relative to the Affairs of Canada, ordered to be printed on the 2d February 1838, p. 12.)

UPPER
CANADA.

No. 19.

Enclosures in
Sir F. B. Head's
Despatch,
28 December 1837.

(No. 1.)

Sir,

Government House, 13 December 1837.

YOUR Excellency has doubtless received intelligence, though not of an authentic character, of an insurrectionary movement which, within the last few days, has been made in this province, and which the loyal feeling of the great mass of Her Majesty's subjects has enabled me promptly to suppress. Though an occurrence of this particular nature, in a country immediately adjoining the state under your Excellency's government, must naturally excite a considerable degree of interest, I might not have felt myself called upon to communicate with your Excellency upon the subject if I did not receive an official report from the magistracy of the district of Niagara, that efforts are made, by calling public meetings in Buffalo, to procure countenance and support among the inhabitants of that city to the efforts of the disaffected in Upper Canada.

I am perfectly persuaded that, under any circumstances, the public authorities in the United States would exert themselves to strengthen rather than to disturb the kind feeling which has, for so many years, united the natives of Great Britain and the United States in the most amicable relations; and when I acquaint your Excellency that the armed party of traitors, which are now dispersed, during the few days that they remained embodied, were guilty of such unprovoked and wanton acts of murder, arson and robbery, as disgusted their adherents, and occasioned their rapid desertion, I feel no doubt, that whatever may be justly done by the Government of our friendly and enlightened nation towards restraining its subjects from disturbing the peace and injuring the unoffending inhabitants of another, may confidently be expected from your Excellency.

It is, I should apprise your Excellency that there is not at this moment, to my knowledge, within the whole extent of Upper Canada, a single body of men, assembled with arms or otherwise, in opposition to the Government. Before the 5th December there had been about 500 persons hastily got together at the instigation of a Mr. McKenzie, the editor of a seditious newspaper here; but these have been wholly dispersed, and their leader, we understand, is now in Buffalo, endeavouring to excite there a support which he fails to meet with in this province.

To his Excellency Governor Marcy,
State of New York, Albany.

I have, &c.
(signed) F. B. Head.

(No. 2.)

Government House, Toronto, 23 December 1837.

Dear Sir,
I TAKE the liberty of introducing to your Excellency the Honourable Archibald McLean, late Speaker of the House of Assembly of this province, who is the bearer of a communication from me to Her British Majesty's Minister at Washington, on the same subject on which I had the honour to address your Excellency on the 13th instant, a copy of which communication Mr. McLean takes to Washington. Mr. McLean will inform your Excellency, that the party of Americans who, under the command of Mr. Van Rensselaer, have taken possession of Navy Island, have issued a proclamation, hoisting in Canada the flag of independence, offering a reward of 500 l. for my apprehension, with 300 acres of our Crown lands, to any volunteer who will join in the invasion of this province.

I have not yet had the pleasure of hearing from your Excellency (which, indeed, time is not admitted of); but I feel confident your Excellency will, by the most energetic means, put an immediate stop to proceedings which must otherwise inevitably lead to a national contest.

Mr. McLean will have the honour to submit to your Excellency any further information which you may desire.

W. Marcy, Esq.
Governor of the State of New York.

I remain, &c.
(signed) F. B. Head.

UPPER
CANADA.

74

CORRESPONDENCE RELATIVE TO THE

No. 19.
Enclosures in
Sir F. B. Head's
Despatch,
28 December 1837.

Sir,

Government House, Toronto, 23 December 1837.

I beg leave to introduce to your Excellency the Honourable Archibald McLean, late Speaker of the House of Assembly of this province, and now one of its judges.

My official communication will explain the object of his mission, which, I regret to say, is, I conceive, of a very alarming nature.

The little outbreak in this province has been completely put down by the people themselves, for I had no other assistance; but the case has assumed a new feature. A number of American citizens, of wealth and intelligence, are desirous to get possession of this province, and to swamp our institutions. They willingly afford money; and, as thousands of people are out of work in the United States, an invasion may be made, which it would be out of our feeble power to resist.

I trust I am not apt to be unreasonably alarmed; but I can assure you sincerely, that, unless the American Government take immediate measures to put down the of this territory by force of arm, I think the worst will happen.

A body of Americans, headed by an American, have now, with about 700 men, taken possession of Navy Island, which belongs to Great Britain. They have issued there a proclamation declaring the independence of Canada, have offered a reward of 500*l.* for my apprehension, and 300 acres of the richest land of the Crown to whoever will volunteer to assist them in invading this territory.

The people of the United States are so excited with the subject, and so ripe for plunder, that no words or writing will, in my opinion, stop them. I consider that the United States' Government must either put down this aggression by force, or be held responsible for the consequences.

To his Excellency Henry S. Fox,
Washington.

I remain, &c.
(signed) F. B. Head.

(No. 3.)

My dear Sir John,

Toronto, 26 December 1837.

I send you copies of some communications I have received, showing the unprincipled disposition which exists on the part of the people of the United States to invade, pillage, and plunder Upper Canada.

The forces on Navy Island are said to consist of 700 well-drilled men, and 13 pieces of artillery. Our force on the frontier was, until yesterday, only 600, scattered from Fort Erie to Niagara; but Colonel McNab with 800 men, and Colonel Jarvis with 300, arrived there yesterday. I consider that we are tolerably safe for the present. It is annoying in theory that these ruffians should be allowed to hold possession of our territory, Navy Island, and I have plenty of hot-headed adherents who are urging an attack on them, but I see many reasons against it: first, we should do nothing which could risk a defeat, which, if effected, would I am sure be the signal for a general rush into the province. Secondly, we should certainly attack under very great disadvantages, for the enemy has to a certain degree fortified himself, and, there being no means of retreat, he would be driven to desperation. If any of the hands, in approaching to attack, were disabled, nothing could save there going over the Falls of Niagara, which are but little more than two miles from Navy Island. On the whole, I think it would be highly advisable not to allow an attack, which could only be made under most disadvantageous circumstances, and which, if successful, would not be important; for unless we intended to imprison a body of our men on this island, for the purpose of holding possession of it (an expenditure of force we could not spare), we must abandon it as soon as we had conquered it, in which case the Americans would retake it, and the whole process would have to be repeated.

On the other hand, if we allow them the inconvenience of being pent up, and let them undertake the dangerous course of attacking us, we have science on our side instead of on theirs.

This province is internally perfectly quiet, but I think the danger from without imminent; and I inform you of it that you may take such measures for preventing it, as under the circumstances of the two provinces you may deem necessary.

Lieutenant-General
Sir John Colborne.

The same letter was addressed to the Earl of Gosford.

I remain, &c.
(signed) F. B. Head.

(No. 4.)

Sir,

Head Quarters, Hamilton, 24 December 1837, 3 o'clock, P. M.

In reporting the return of the volunteers to this place who accompanied me to the London District, I have much gratification in stating that not a man has been lost, and but three have been on the surgeon's list since we marched. I have also great pleasure in noticing that the inhabitants between Paris and Dundas generously turned out with their sleighs, and brought down their brother militia-men to this place free from any expense whatever.

Immediately

Im-
distric
tenant
proud
fish
field-p
The
use of
pleted.
essenti
I ha
tenant-
As I
articles
volunte
will be
the use
From
have m
and I t
frontier
In m
seamen
Colonel
It is my
made at
It wo
frontier,

Colon
Jona

I beg
to proce
quarter.
I shall
piece; u
on the s
already o
I believ
I wish
which are
a return i

Lieuten
Assist

Sir,
I HAVE
these capt
and that y
the line o
frontier.
The men
It will be
I have r
down there
I am an

Colonel

357

AFFAIRS OF LOWER CANADA, &c.

75

**UPPER
CANADA.**

No. 19.

Enclosures in
Sir F. B. Head's
Despatch,
28 December 1837.

Immediately upon my arrival here, I despatched several messengers to various parts of the district, requesting that the commands which I had received from his Excellency the Lieutenant-governor should be communicated to the various bodies of militia therein, and I am proud to say that his Excellency's expectations will be promptly and completely realized.

I shall move to-morrow morning from this place with between 600 and 800 men, and one field-piece.

The ladies of the town of Hamilton are busily engaged in preparing haversacks for the use of the volunteers; and it is at this moment reported to me that 160 are already completed. Each man will be provided with a blanket and such other necessaries as may be essential to the comfort of the troops.

I have the honour to enclose a copy of a letter which I this morning addressed to Lieutenant-colonel Cameron, Assistant Adjutant-general.

As I have no information regarding the stores on the Niagara frontier, and as the following articles will be indispensable in this inclement season of the year for the comfort of the volunteers, I trust that a large supply of blankets, haversacks, socks, shoes and mittens, will be immediately placed in store on the frontier, where they can be speedily furnished for the use of the men; none shall be issued but such as are absolutely necessary.

From the reports which I have received this morning, I am inclined to think that I shall have many more volunteers than I shall be able to furnish with arms and accoutrements; and I therefore request that 200 stand of arms and accoutrements shall be forwarded to the frontier, subject to my orders.

In my way from Toronto I was met at Oakville by a number of captains of schooners and seamen, who gallantly tendered me their services; and I this morning addressed a letter to Colonel William Chisholm on the subject, a copy of which I have the honour to enclose. It is my intention to arm these volunteers with boarding-pikes, of which a number are already made at Woodstock, and are now on the way to Hamilton.

It would be advisable for an armourer, with two or three men, to be despatched to the frontier, to be attached to the expedition.

Colonel the Honourable
Jonas Jones, A. D. C.

I have, &c.
(signed) Allan N. McNab,
Colonel Commanding.

(No. 5.)

Head Quarters, Hamilton, 24 December 1837.

I beg leave to state for your information, that I have received his Excellency's commands to proceed to the Niagara frontier with all the disposable force which can be raised in this quarter.

I shall move off early to-morrow morning with between 500 and 600 men and one field-piece; and I request that you will communicate any information which you can give me on the subject of quarters, as I do not wish in anywise to interfere with the cantonments already occupied by the troops at present stationed with you.

I believe about 70 or 80 well-mounted troopers will accompany me.

I wish that an officer may be directed to inspect all the farm-houses in your neighbourhood which are unoccupied by your troops; and that he may meet me on the way, furnished with a return in detail of the number of men which they will be able to accommodate.

Lieutenant Colonel Cameron,
Assistant Adjutant-General.

I have, &c.
(signed) Allan N. McNab,
Colonel Commanding.

Sir,

Head Quarters, Hamilton, 24 December 1837.

I HAVE to request that you will immediately take measures for securing the services of all these captains of schooners and seamen who so nobly offered their services to me yesterday, and that you will procure a sufficient number of sleighs and forward them, so as to reach the line of march, which I shall make to-morrow morning at day-light, to the Niagara frontier.

The men will be furnished with boarding-pikes, which are coming from Woodstock to-day. It will be desirable that they should all clothe themselves as warmly as they are able.

I have received information from the frontier of such a nature as to induce me to move down there at once, with all the disposable force under my command.

I am anxiously awaiting the arrival of your volunteers under Colonel Chalmers.

Colonel William Chisholm,
Oakville.

I have, &c.
(signed) Allan N. McNab,
Colonel Commanding.

EXTRACT of a LETTER from *George Rykert, Esq., M. P. P.* to Colonel *Jones, A. D. C.*;
dated St. Catharine's, 24th December 1837.

I HAVE information from a gentleman of this place, who returned yesterday from Buffalo, on whom I can rely, that the rebels on the island are now about 800 strong, and are daily increasing from the interior of the state. On Friday they got an accession of 200 from a place called Attica, and other towns. That during the past week they broke into the arsenal at Batavia, and took from it several pieces of artillery, and a quantity of small arms, which they succeeded in taking upon the island; they have also again taken all the arms at Buffalo, and carried them away; that they are engaged in casting balls, &c. at the foundries on that side for the rebels; that they have been allowed to take all the boats that were to be had belonging to steamers and vessels at Buffalo.

My informant further states, that the excitement on that side is greatly increasing; that he is convinced a large majority of the people of Buffalo are aiding and assisting the rebel cause, and that several of them expressed to him their full determination to cross as soon as their forces are a little stronger, which he thinks will be the case in a few days.

He brought with him Governor Marcy's proclamation, which Mr. Merritt informed me he had enclosed to His Excellency, and which he (my informant) says, is completely disregarded. Mob law reigns supreme there! the pride and glory of their boasted republican institutions! Their authorities are completely powerless. I learned from another quarter that notices are stuck up at different public places along the main highway, offering a bounty of 100 dollars, payable in May next, to any person who will enlist in their cause, with a further promise of 300 acres of land when they conquer Canada. Whether this is really true, I cannot say: the person who informed me said he saw it and had it offered to him.

It does occur to me that if we had some heavy artillery, howitzers, &c. &c., they might yet be dislodged from the island, or at least they might be prevented from erecting their block-houses, &c. &c. I do not, however, profess much tact in the art militaire, and may be wrong in my ideas.

Report now seems to confirm that they have eight or ten pieces of artillery upon the island.

If we had only one regiment of regulars, and few artillerymen, we should have nothing to apprehend, as it would at once create confidence among our militia, and at the same time materially lessen the ardour of the rebels. They are well acquainted with the state of feeling of our militia.

On Friday, my informant told me, a number of persons from this province (understood from Yonge-street) crossed to Buffalo in a schooner, from or near Port Colborne, a point where I have long urged the necessity of keeping a guard. It was mentioned in Buffalo that Duncombe and Malcolm were expected there yesterday.

Our militia, among other things, are badly organized; there is a great want of efficient officers indeed; in this battalion (1st Lincoln), there is a very great deficiency in the number of officers, some companies having no more than one or two, and besides, there are others who decline calling out their men, as I am told. I hope this subject, too, will receive early attention.

(No. 7.)

Government House, Toronto, 24 December 1837.

Sir,

I DEEM it my duty to forward to your Excellency the enclosed copy of a correspondence I have received this moment from Colonel Cameron, the officer commanding Her Majesty's forces on the Niagara frontier of Upper Canada.

To his Excellency Governor Marcy,
New York.

The same letter was addressed to his Excellency J. S. Fox, H. B. M. Ambassador, Washington.

I have, &c

(signed) *F. B. Head.*

Assistant Adjutant-General's Office.

Chippewa, 23 December 1837.

Sir,

SINCE my last communication, Mr. Cummings, magistrate of this place, has received the information that follows, from a confidential person, returned this morning from the other side.

The forces under Van Rensselaer are hourly increasing. Van Rensselaer is a person who has served in Mexico. McKenzie has little or nothing to say to the military movements; he goes about the country collecting supplies; entrenchments are thrown up on the island, and their cannon are being placed in position. The excitement in the state of New York is very strong. The rebel cause daily gains adherents. The very women are inciting the men to proceed to the frontier of New York. The people of the towns in the interior are making common cause with the rebels. Two guns passed to the island yesterday, in addition to

those already
being for
One woman
An attack
fear that
proceeding
but the un
The last
accepted
Cobourg
has been r
Notwith
with whom
favour of
some of
tunity, or
ance, both
essentially

To the A

To Allan &

The h
again

Showeth,
ness, which
a Governme
grievances
Malcolm, u
large grants
Government
properties fo
beseech you
Excellency

We acknowledge
upon your majesty
that we will
Majesty Que
utmost endeav
justice.

We are th
hold as the fi
the province,
we have had
since your ar
from our pre
ever pray, &c
Signed by

Sir,
His Excellency
wishing to in-
sent to subdue
The persons
mitted by fal-
wicked traitors
they have com-
Government,
themselves not
mercy of the
arms, and plea
authority of the

AFFAIRS OF LOWER CANADA, &c.

77

UPPER
CANADA.

No. 19.

Enclosures in
Sir F. B. Head's
Despatch,
28 December 1837.

those already on it; informant saw them go over. Depôts of men, money, arms, &c., are being formed in all the small towns in the interior, ready to move as occasion may require. One woman was seen casting bullets at her own house, from a mould that ran 60 at a time. An attack is meditated on the frontier soon. The reflecting portion of the American people fear that war between Great Britain and the United States must ensue from these lawless proceedings. The mob desire it. The actual number on the island is between 500 and 700, but the utmost vigilance is now used to mask their proceedings and conceal their numbers. The last communication from Colonel Kerby reports all quiet at Waterloo. I have accepted Colonel Land's offer of 100 men from Hamilton, and countermanded the 50 Cobourg volunteers at Niagara, and the arrival of the Niagara dock company, 28 strong, has been reported.

Notwithstanding that the rebellion is apparently suppressed, the most intelligent persons with whom I have had an opportunity of conversing, by no means consider the feeling in favour of the rebels subdued; on the contrary, they think that very many, and among them some who carry arms in our ranks, would not hesitate to rise again if there were an opportunity, or chance of success; but the Lower Province being now secure, I trust that assistance, both of infantry and artillery, may be derived from thence, as such assistance would essentially contribute to restore confidence in the wavering, and awe the disaffected.

I have, &c.

(signed) K. Cameron,
Assistant Adjutant-General.

To the Adjutant-General of Militia, Toronto,
&c. &c. &c.

(No. 8.)

To Allan Napier M^cNab, Esq., Colonel Commanding the Queen's Forces in the District of
London, &c. &c. &c.

The humble Petition of certain Inhabitants of the Township of Norwich, lately in arms
against the Government of this Province.

Showeth,—THAT we, your petitioners, being truly sensible of the great error and wickedness, which we have lately committed in taking up arms against Her Majesty's Government, a Government on whose part we do not pretend to say that we have any real wrongs or grievances to complain of, but we have been led away by Charles Duncombe, Elakim Malcolm, and other wicked and designing leaders, who have induced us by promise of large grants of land and great pay for our services, to take up arms against Her Majesty's Government, and who have now basely deserted us and left us to answer with our lives and properties for those crimes which they have themselves committed, do therefore most humbly beseech you, Sir, to take our case into your kind consideration, and to intercede with His Excellency the Lieutenant-governor of this province, to grant us a pardon for our offences.

We acknowledge ourselves to be completely subdued, and we throw ourselves entirely upon your mercy; and we hereby promise, one and all, if such mercy be extended to us, that we will from henceforth live as peaceable and loyal subjects to the Government of Her Majesty Queen Victoria; and that we will not only bring in our arms, but also use our utmost endeavours to apprehend the ringleaders of the late insurrection and bring them to justice.

We are thus induced to address you, Sir, not only from the exalted position which you hold as the first commoner in the land, and commander of the Queen's forces in this part of the province, but also from our knowledge of your kind and benevolent disposition, of which we have had ample proof in the protection of the lives and properties of the inhabitants, since your arrival amongst us, and which we trust you will exert in our behalf to relieve us from our present unfortunate situation; and we, your petitioners, as in duty bound, will ever pray, &c.

Signed by one hundred and three petitioners.

His Excellency's Reply.

Government House, 18 December 1837.

Sir,
His Excellency the Lieutenant-governor has received your letter of yesterday's date, enclosing to me a paper which has been addressed to you as commanding the militia force sent to subdue and apprehend the rebels stated to be in arms in the district of London. The persons who have subscribed to that paper, 103 in number, state that they have been misled by falsehoods, and by promises of rewards held out by Dr. Duncombe and other wicked traitors, to take up arms against their Sovereign; that they heartily repent the crime they have committed, and acknowledge that they had suffered no wrong at the hands of the Government, and can offer no justification in excuse for their conduct; that they had themselves now deserted by the persons who had urged them to rebel, and left to the mercy of the Government, whose laws they have offended. They offer to deliver up their arms, and pledge themselves to use their best exertions henceforward in supporting the authority of the Government, and bringing offenders to justice.

UPPER
CANADA.

No. 19.
Enclosures in
Sir F. B. Head's
Despatch,
29 December 1837.

78

CORRESPONDENCE RELATIVE TO THE

His Excellency desires that you will answer the petitioners by stating, that he sincerely regrets that any number of Her Majesty's subjects in this province should have been prevailed upon to commit treason against a Government which had always protected them, and treated them with justice and kindness; that, trusting to the truth of the declaration by the petitioners, that they have seen their error, and not doubting but they must be ashamed and astonished at their own misconduct, his Excellency consents to your liberating such of them as are not known to have committed acts of violence against the persons or property of their fellow subjects, upon their entering into recognizances, with sufficient sureties, to appear at the next court of oyer and terminer and general gaol delivery, in the district of London, to answer any complaint that may be brought against them at the instance of any their fellow-subjects.

The Hon. Col. M'Nab.

I have, &c.
(signed) J. Joseph.

LETTER from Col. A. N. M'Nab to his Excellency Sir F. B. Head.

Head-quarters, Scotland, Dec. 14, 1837.

I have the honour to report that the detachment under my command halted at Brantford on Wednesday evening, in perfect order, and the men in high spirits; at nine o'clock the same evening I was informed by persons sent by me to this place (it then being the headquarters of the rebels), that Dr. Duncombe, with about 400 men, were here and preparing to retreat to Norwich. I immediately despatched persons to Simcoe, Woodstock, and London, requesting that all the volunteers that could be mustered should march down and intercept the rebels, and meet me at this place.

At one o'clock on Thursday morning (to-day), having obtained a plan of the position of the rebels and the roads approaching thereto, I moved off from Brantford with my own detachment, consisting of about 300 rank and file, and 150 volunteers from Brantford, and 100 Indian warriors under the command of Captain Kerr, with directions that they (the Indians) should take possession of the woods marked on the enclosed plan "pine woods." Major Thompson, with 100 men, was to march down the Back Settlement-road, while the main body, with myself, were to march down the Main-road, and make the attack simultaneously.

I regret to say that the rebels became alarmed and moved off during the night.

This afternoon I have been joined by not less than 1,000 volunteers, with Colonel Salmon, Colonel Askin, and Colonels Rapelje and M'Call at their head; volunteers are pouring in at all times and at all places. It is my intention to march at six o'clock to-morrow morning, with 1,600 men, through the township of Norwich, the most disaffected part of this district; I have at least six times as many men as I require; but the fact of such an army marching through this country cannot but have a very beneficial effect; and, besides, the volunteers joining me in this district would not be pleased to be dismissed, and all left to the men of Gore.

I have taken all Dr. Duncombe's papers, also Mr. Eliakim Malcolm's; the latter (which are of considerable consequence) were discovered buried in a field, together with several of the leading rebels. The latter I have sent under guard to Hamilton.

I would strongly recommend that his Excellency should sanction the raising of volunteer companies, of 150 men each, under the command of Major Winnett, at Brantford; of Captain Drew, at Woodstock; of Mr. Askin, at London; and Mr. William Salmon, at Simcoe. Probably 100 men in each company would be sufficient. This could be readily done, and would not only keep all things right here, but would at all times be an efficient force to act elsewhere when occasion should require.

It is a matter of no small mortification to me to have failed in capturing the traitor Duncombe and his rebel band. And I very much fear he will not give me an opportunity of attacking him, but like the other leaders of the rebel bands, will fly the country.

I have, &c.
(signed) Allan N. M'Nab,
Colonel Commandant.

COPY of a LETTER from Colonel A. N. M'Nab to Colonel Halkett.

No. 2.

Head-quarters, Township of Oaklands, Scotland,
December 15, 1837.

Sir,

I HAVE the honour to report, that the rebels have dispersed in all parts of this district, and that I have taken every precaution to intercept them and cut off their retreat.

I have received several deputations from these misguided men, praying for leave to come in and surrender their arms, take the oath of allegiance, if necessary, and join the troops under my command. In endeavouring to find out those of the leaders who may yet remain

behind,
On this
despatch
Intellig
the Niag
been call
command
offer to h
who will
require t
tion be m
that quar
I cannot
loyal inha

Lieut.-C

Sir,
I am cor
of your des
intelligence
pletely disp
With res
lency's desir
in every ins
His Exce
that all thos
have comm
stances with

Sir,
I HAVE th
yesterday
persons mar
centre of a s
opportunity
had placed
their lives an
condition prop
think proper
The ringle
many of thei
London, to a
In justice
all I have see
the traitor D
return to the
subjects.

I have been
necessity for
with the num
ture of the re
the gallant m
of those few c
A good dea
in taking the c
I shall march

Colonel the

AFFAIRS OF LOWER CANADA, &c.

79

UPPER CANADA.

No. 10.

Enclosures in Sir F. B. Head's Despatch, 28 December 1837.

behind, so far I have refused their request, unless the leaders are delivered into my hands On this subject I am to meet several deputations this day, and will forward a more explicit despatch respecting it in the morning.

Intelligence having reached this place, that a body of foreigners were threatening to cross the Niagara river, to join any rebels that may yet be found in this county, I have this moment been called upon by Col. R  p  lje, Col. Salmon, Col. Askin, Col. McCall, and the officers commanding the regiments and volunteer corps in this district, with a request that I will offer to his Excellency their services, with 2,000 or more of the gallant militia of this district, who will be ready on the slightest notice to march to the frontier, should their country require their services; and I have no hesitation in stating, that should any demonstration be made on that frontier, a sufficient force of cavalry and infantry can be poured into that quarter from the London and Gore districts, more than adequate to put it down. I cannot describe in terms sufficiently strong, the enthusiasm and ardour with which the loyal inhabitants of this county are crowding to my aid.

I have, &c.

(signed) Allan W. McNab,
Colonel Commanding.

Lieut.-Col. Hackett, &c. &c.
Toronto.

Copy of His Excellency's Reply.

Sir,

Government House, Dec. 18, 1837.

I am commanded by his Excellency the Lieutenant-governor to acknowledge the receipt of your despatch of the 10th instant, in which you convey to his Excellency the pleasing intelligence that the rebels in the London district, without offering you resistance, had completely dispersed.

With respect to the misguided men who have taken part in this business, it is his Excellency's desire that you should make every exertion for securing the ringleaders, who should, in every instance be humanely attended to.

His Excellency cannot authorize you to extend pardon to any one; but he recommends that all those who wish to surrender themselves should, excepting the ringleaders, and any who have committed violence to the persons or properties of others, be discharged on recognizances with sufficient bail to appear at the next court of oyer and terminer.

I have, &c.

(signed) F. Hackett, A. D. C.

Sir,

Head-quarters, Sodor,
Township of Norwich, 18 December 1837.

I HAVE the honour to report, that within a short time after the receipt of the paper which I yesterday enclosed, together with my answer, upwards of 200 of the rebels and disaffected persons marched in and surrendered themselves and their arms. They were received in the centre of a square formed by the volunteers under my command, and I availed myself of the opportunity thus afforded me of explaining to those deluded men the situation in which they had placed themselves; that by their wicked and unnatural conduct they had forfeited their lives and properties, and I permitted them to return to their homes, on the express condition that they should at any time surrender themselves, should his Excellency not think proper to extend to them the Royal clemency. Their arms are in my possession.

The ringleaders, and some of the most wicked and active men amongst them, including many of their officers, are detained prisoners, and I shall send them under a strong escort to London, to await their trials.

In justice to my own feelings, I cannot forbear expressing my entire conviction, that from all I have seen and heard, many of these unfortunate men have been grossly deceived by the traitor Duncombe and his colleagues; and I firmly believe that many of them will return to their allegiance, and yet be numbered among Her Majesty's faithful and loyal subjects.

I have been detained here longer than I expected; but the delay has been owing to the necessity for my maintaining a central position, so that easy intercourse might be kept up with the numerous detachments moving in all parts of the district, to ensure the total capture of the rebels, which, I am proud to say, has been done, very few having escaped; and the gallant militia volunteers under my command will, I am sure, give a good account even of those few ere we quit the field.

A good deal of time has necessarily been taken in procuring the requisite evidences, and in taking the depositions against the most prominent of the rebels.

I shall march from this place for Oxford to-morrow morning.

I have, &c.

(signed) Allan N. McNab,
Colonel Commanding.

Colonel the Hon. Jonas Jones.

UPPER
CANADA.No. 19.
Enclosures in
Sir F. B. Head's
Despatch,
28 December 1837.

P. S.—Robert Alway, M. P. F., is a prisoner. He was taken near Simcoe, on his way to the west. I am unable to furnish a complete return of the prisoners and arms taken, not having received the returns of the several officers commanding detachments; but the number of prisoners amount to nearly 500, and from 100 to 120 rifles.

Sir,
I HAVE the honour to acknowledge the receipt of your despatch of the 18th instant, with its enclosures.

I halted here this afternoon at four o'clock, after a very severe march, through ice and snow, of 18 miles. The men bear the fatigue well. I hope to reach London to-morrow night.

As I stated in a former despatch, it is my intention to organize a volunteer corps at London, of from 100 to 150 men, which I shall submit for the approval of his Excellency. I shall do the same at Woodstock, Brantford, and Simcoe.

It has been reported to me that a good deal of disaffection prevails in the western district, particularly in the neighbourhood of Sandwich. The reports, however, are very contradictory upon this subject.

It is my intention to allow the militia, except the volunteers with me, and the volunteer companies above mentioned, to return to their homes; as I am satisfied that it is not prudent at this inclement season of the year to harass them more than there is necessity for. I am assured by all those whose opinion is worth having, that on the slightest intimation they will again fly to their posts. This is also my opinion.

The remaining prisoners, except the notorious offenders, will be immediately set at liberty, after being bound over to appear at the next general gaol delivery, as you have directed.

Finlay Malcolm was taken last night by a party of my men; others are still in pursuit of Duncombe. Malcolm has been sent to Hamilton with several other prisoners, including Elliott, Austin, and Carroll, the latter from the city of Toronto, and from the township. There now seems to be little doubt that they are the men who accompanied M'Kenzie in his retreat. The men, with the saddles, bridles, &c. shipped from Buffalo (if true) shall be well looked after.

I have written to Captain Gourlay to drill his men; and to hold himself in readiness to march at moment's warning to the frontier, should his services be required there.

I beg you will apply to the proper quarter for 400 stand of arms and accoutrements, with a supply of ball cartridge: 100 for Simcoe, 100 for London, 100 for Woodstock, and 100 for Brantford. Please reply to this in your next communication.

I have, &c.
(signed) Allan N. M'Nab,

Colonel the Hon. Jonas Jones.

Colonel Commanding.

Sir,
We the undersigned, magistrates of the Home District, have the honour to acquaint you, for the information of his Excellency the Lieutenant-governor, that on receiving expresses from the magistrates of the Holland Landing, that an armed band of rebels had marched to endeavour to surprise the capital, prompt measures were taken to send forward the militia and volunteers, the latter organized as efficiently as possible, and directed to place themselves in communication with such forces as, in the urgency of the moment, might have been assembled, and to co-operate in putting down rebellion.

It is a pleasant duty to report on this occasion that the whole population rose en masse, and nobly responded to the summons, leaving none but the women and children to take care of their houses.

While we have the heartfelt satisfaction of thus doing justice to our fellow subjects without distinction in this part of the county of Simcoe, it is with gratitude to an all-wise and protecting Providence, whose hand has been so visible in this our day, that the wicked and deluded men who dared to disturb the peace of a loyal people, are dispersed, and that we can return to our firesides and resume our occupations with confidence in the vigilance of his Excellency's government.

We have, &c.
(signed) J. M. Hamilton, J. P.
James Wickers, J. P.
Elmes Steele, J. P.
John Whitley, J. P.
Samuel Richardson, J. P.

Gentlemen,
I HAVE received the communication of the magistrates of Barrie, in the county of Simcoe, announcing the measures taken there for co-operating in the defence of the Government on the present occasion. The steps taken were highly creditable and judicious, and I have particular satisfaction in acknowledging the loyal feeling which has been so actively displayed by the good people of the county of Simcoe.

(signed) F. B. Head.

The Magistrates of Barrie.

Copy

I m
two HTo his
Hanc
GoveMr
We,in Provi
cency

On th

memory

recollect

his earn

with you

of Her p

Divine fi

It may

Canada,

but we h

will mak

advantag

The pu

been sup

teers und

province

subjects

long perio

If there

extent—in

of industr

Canada c

blessings.

But in

is not extr

passions, o

so bountif

the affecti

lousies, di

have reign

But it

should hav

seems as if

of an unna

should be

been so lon

of their lea

We earn

lasting goo

laws and a

they find t

mistaken f

to destroy

families to

fidelity to

complain of

tifying the

We can

ency has d

357.

AFFAIRS OF LOWER CANADA, &c.

81

UPPER
CANADA.

(No. 1.)

— No. 20.

Copy of a DESPATCH from Lieutenant-Governor Sir F. B. Head, Bart., to
Lord Glenelg.

No. 20.
Sir F. B. Head to
Lord Glenelg,
3 January 1838.

My Lord,

Government-House, Toronto, 3 January 1838.

I HAVE the honour to transmit to your Lordship copies of the addresses of the
two Houses of the Legislature in reply to the speech from the Throne.

I have, &c.

(signed) F. B. Head.

Enclosure in No. 20.

To his Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal
Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-
Governor of the Province of Upper Canada, &c. &c.

Encl. in No. 20.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada
in Provincial Parliament assembled, beg leave to return our respectful thanks for your Ex-
cellency's speech from the throne.

On this first occasion of our assembling since the demise of his late Majesty, of blessed
memory, we cannot forbear expressing our participation in those feelings with which the
recollection of his reign will long be cherished, for the mild benignity of his disposition and
his earnest desire to secure the peace and promote the happiness of his subjects. We unite
with your Excellency in offering our humble but hearty congratulations upon the accession
of Her present Majesty Queen Victoria, to whom we earnestly pray that the blessings of
Divine favour may be extended through a long, glorious, and happy reign.

It may seem an inauspicious commencement of Her Majesty's rule over Her provinces of
Canada, that the standard of rebellion has been recently, for the first time, unfurled in them;
but we humbly trust that a wise, over-ruling Providence, which orders all things for good,
will make even the miseries of these unnatural and hopeless contests productive of lasting
advantage to these colonies, by increasing the security of our free institutions.

The promptness with which an apparently formidable insurrection in Lower Canada has
been suppressed by Lieutenant-general Sir John Colborne with the gallant troops and volun-
teers under his command, and the instant and complete dispersion of the insurgents in this
province by your Excellency and the gallant militia, cannot but afford to the Queen's loyal
subjects in the colonies the most encouraging hope that tranquillity is about to succeed to a
long period of unreasonable and injurious agitation.

If there were countries on the globe in which rational liberty was enjoyed in its fullest
extent—in which the laws were impartially administered, property protected, and the fruits
of industry, almost undiminished by public burdens, reaped in security, the provinces of
Canada contained a population which, before these unhappy tumults, possessed those
blessings.

But in all communities there are individuals who labour only to produce disorder; and it
is not extraordinary that there have been found in both these colonies some few men of bad
passions or perverted understandings who, instead of enjoying with grateful hearts the good
so bountifully spread before them, have made it the base employment of their lives to alienate
the affections of a happy people from a just and indulgent Government, and to produce jea-
lousies, discord, and violence where nothing but peace, contentment, and thankfulness should
have reigned.

But it is nevertheless extraordinary that in either colony any considerable impression
should have been made upon the people by efforts so manifestly wicked and unjust; and it
seems as if the dispensations of Divine Providence required that the miserable consequences
of an unnatural, causeless, and desperate rebellion against a powerful and just Government
should be actually felt by the people of these favoured provinces, in order that those who had
been so long deluded might at length see their own folly, and the wickedness and ingratitude
of their leaders, in their strongest light.

We earnestly trust that the afflicting lessons which have been thus afforded may lead to
lasting good. To the number of misguided persons who have been thus afforded may lead to
laws and acknowledged their crime, it must be evident how grossly they have been deceived;
they find their leaders flying from the just vengeance of insulted laws, leaving their
infatuated followers to the mercy of a Government which they had ungratefully endeavoured
to destroy; and when they consider for what object they have exposed themselves and their
families to ruin, guiltily assailed the lives of their fellow subjects, and violated their oaths of
fidelity to a just and mild Government, they cannot but perceive that, having no wrongs to
complain of, they have without excuse allowed themselves to be made the instruments of
tifying the malice or promoting the ambition of a few unprincipled men.

We cannot allude to the late wicked insurrection in this province, of which your Ex-
cellency has described the origin and progress, without expressing our fervent gratitude
357.

...ce, on his way to
...nd arms taken, not
...nts; but the num-

December 1837.
18th instant, with

...n, through ice and
...London to-morrow

...nter corps at Lon-
...his Excellency's

...the western district,
...are very contradic-

...and the volunteer
...that it is not prudent
...necessity for. I am
...test intimation they

...immediately set at
...livery, as you have

...re still in pursuit of
...prisoners, including
...from the township.
...McKenzie in his
...true) shall be well

...self in readiness to
...end there.

...accoutrements, with
...dstock, and 100 for

Nab,
...nel Commanding.

December 1837.
our to acquaint you,

...receiving expresses
...pels had marched to
...forward the militia
...cted to place them-
...nt, might have been

...ation rose en masse,
...hildren to take care

...ellow subjects with-
...to an all-wise and

...that the wicked and
...persed, and that we
...the vigilance of his

Hamilton, J. P.
Wickens, J. P.
Steele, J. P.
Whitley, J. P.
Richardson, J. P.

December 1837.
the county of Simcoe,
the Government on
ous, and I have
no actively displayed

F. B. Head.

UPPER
CANADA.

No. 20.

Sir F. B. Head to
Lord Glenelg,
3 January 1838.

Encl. in No. 20.

CORRESPONDENCE RELATIVE TO THE

Almighty Providence for having preserved your Excellency and our loyal fellow-subjects who surrounded you from the dangers with which you were threatened; nor can we for the most devoutly to acknowledge the signal interposition displayed by a succession of circumstances in favour of the inhabitants of this city, which combined to defeat the atrocious designs of the insurgents, and to give effect to the spirited exertions made in its defence.

We feel a just pride in being inhabitants of a country whose Governor could unreservedly throw himself, as your Excellency did, upon the loyalty and spirit of the people as the only defence necessary to protect him from danger, and as a sufficient support for the laws and constitution against the open violence of their declared enemies. Such an example, and so glorious a result, cannot fail to raise the character of Upper Canada in the estimation of Her Majesty and the British empire.

This extraordinary attempt to subvert our Government has been attended with many beneficial results; it has exposed the gross falsehoods and deceptions to which the leaders of the insurrection had recourse, in order to delude their followers. It has shown, plainly and undeniably, that the agitation which for many years past has disturbed the province and impeded its welfare, had for its object to separate us from the parent state, to gratify private malice and lawless rapacity by cruel acts of revenge, and by the plunder of public and private property. It has shown that the free inhabitants of this province are loyal, faithful, generous and brave; for nothing could be more animating and affecting than the ardour and courage with which the several districts of Upper Canada, in the depth of winter, poured forth their thousands, at a moment's warning, to rally round their Government in the hour of danger, and to extend their protection to their fellow-subjects, whose lives and liberties were threatened. It has taught the abettors of treason that those who really value their freedom, and are prepared like men to defend it, infinitely out-number those who falsely pretend to be the advocates of liberty, but who abuse that sacred name for the purposes of faction and guilty ambition.

These lessons, we lament to say, have not been unattended with affliction; but we are confident in the hope that your Excellency, and all who are intrusted with authority, and those ever against whose lives and property the arm of violence has been raised, will distinguish, so far as may be just, between such as have been the instigators and willing actors in this unnatural rebellion, and those who by falsehoods and importunity have been seduced unhappily to take part in it. Of the latter, we are persuaded the greater number already look with shame upon the conduct which has roused the indignation of their countrymen, and exposed themselves to the punishment of the offended laws.

We have been, about your Excellency with concern and astonishment, that the tranquillity which had been immediately restored to all parts of this province has been interrupted, and the services of our gallant and faithful militia prolonged at this unseasonable season, in consequence of a most extraordinary and unjustifiable invasion of our Niagara frontier by a band of armed citizens of the United States.

If, in a moment of civil commotion, anything had been wanting to animate the loyal subjects of this province in the discharge of their duty to their Government, the most powerful motive would be supplied by the attempt of a foreign people to intrude themselves upon our soil, and by their insulting threat to appropriate our lands as a booty to their lawless soldiers. But we are convinced the Government of the United States will do justice to their national character by affording ample reparation for this flagrant violation of existing treaties, and when the time of reflection has arrived, and a knowledge of the truth has found its way to our neighbours, they will look back, not without some degree of shame, at the credulity with which they believed the most palpable falsehoods, to the prejudice of the Government and free people of a friendly power, and at the forgetfulness of their obvious duties as men and Christians which has marked their conduct on this occasion; and while remembering these efforts to blow the flame of civil discord in a remote portion of Her Majesty's dominions, they will not fail to recall to mind the very different course which Great Britain pursued when she earnestly offered and exercised her powerful influence to avert from them the miseries of a threatened war with a mighty nation then in close alliance with herself, without her having any immediate interest in the contest.

We beg to be allowed to assure your Excellency of our entire approbation of the measures so promptly taken for calling the attention of the American Government to the unprovoked aggressions of a portion of their people, and for placing on the Niagara frontier a strong defensive force, under the command of Colonel M'Nab, the Speaker of the Assembly, whose services there and in the district of London, at the head of a gallant militia band of volunteers, have been most zealous and efficient.

As we have not been assembled under ordinary circumstances, but at a period of much anxiety, we concur in opinion with your Excellency, that a return to our several districts, as soon as the necessary business can be disposed of, would be prudent and satisfactory.

We shall not fail, however, to take into our consideration the adoption of such measures as will most effectually secure the inhabitants of this province against the recurrence of the danger to which they have lately been exposed. Besides the sympathy which we feel for our fellow subjects who have incurred so many dangers and privations in defence of their independence and laws, whose noble ardour claims the highest admiration, and demands for them protection through the Legislature, from similar evils, we feel that we owe it to the honour of the British name to be vigilant and firm in adopting measures for repelling all hostile aggressions upon our territory, from any foreign power, as well as for preventing internal dissensions and changes which would only introduce anarchy and confusion into this happy colony.

(signed) J. B. Robinson, Speaker.

Legislative Council Chamber, 1st January 1838.

To his
Hon
Gov
M
We,
vincial
speech
with yo
in the
held in
And
accessio
cheerful
We
experien
has rece
truly des
this atte
demand
gress, no
attention
loyal mil
times an
Parliame
the inhab
It is no
ever enc
tions; an
blessing,
to effect
themselves
unprepare
power, an
assaults
of Upper
only, have
all times
satisfaction
who flew
forgetting
hope that
enemies of
or elsewhe
We thin
of the cala
present its
candour, an
all occasion
and mistak
consider in
to the dist
The cont
selves to h
charged, is
grateful to
been so sli
manner in v
of this, Hou
We assur
and tranqui
who had tak
citizens of a
the cause, an
arm of offen
sought to clo
flamay to im
atrocious ag
we feel it ju
national hor
believe will
to the Gover
good faith an
357.

No. 20.
Sir F. B. Head to
Lord Glenelg,
3 January 1838.

Encl. in No. 20.

To his Excellency Sir Francis Bond Head, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c., &c., &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, do most humbly thank your Excellency for your gracious speech from the throne, at the opening of the present session, and we most sincerely accord with your Excellency in your expression of condolence on the loss which has been sustained in the demise of his late Gracious Majesty William the Fourth, whose memory will long be held in filial gratitude and respect by the inhabitants of this province.

And we also avail ourselves of this opportunity to express our heart-felt pleasure in the accession of Her Majesty Queen Victoria to the throne of her ancestors, to whom we cheerfully offer the pledge of our enduring loyalty and unshrinking support.

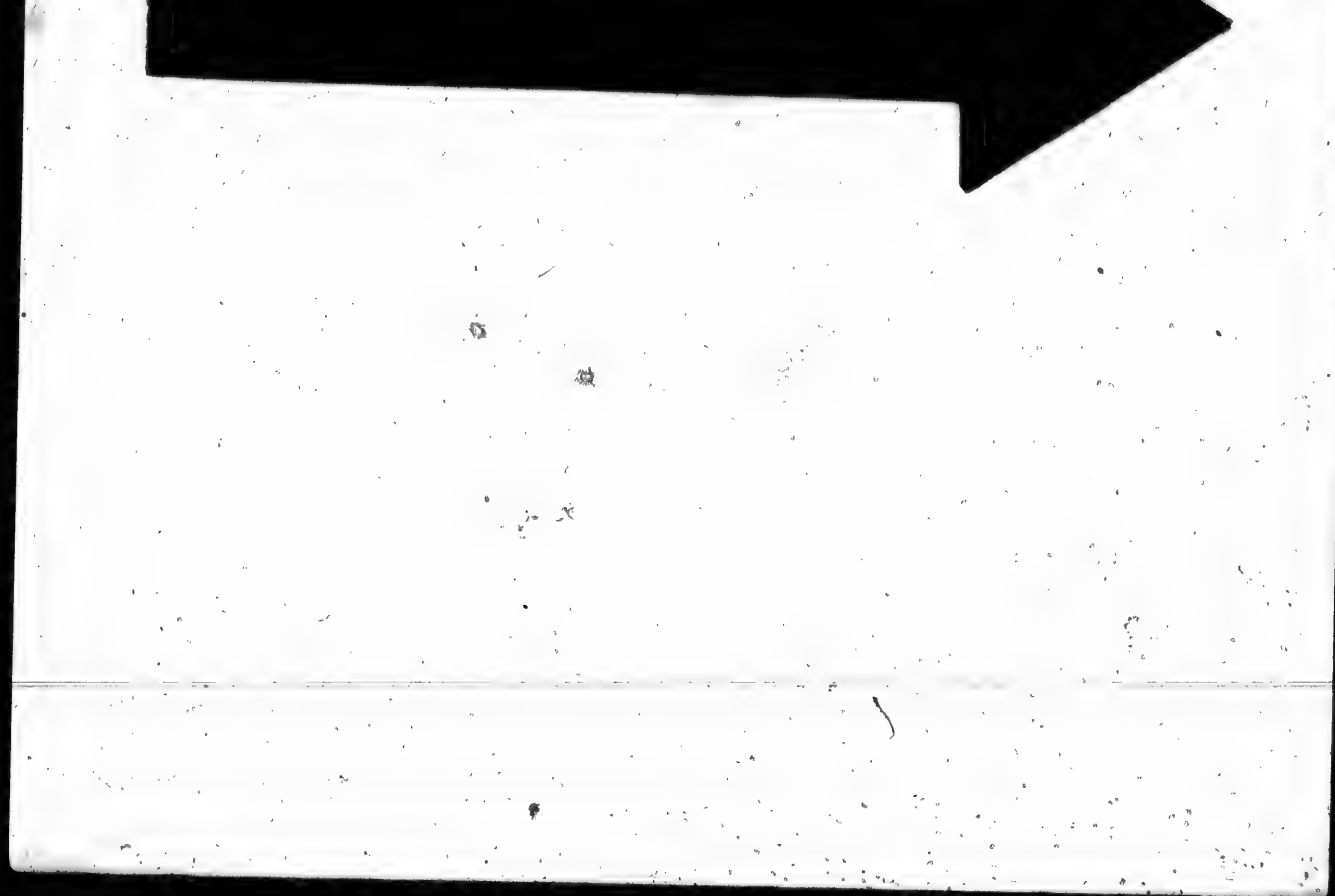
We feel it unnecessary to say, that we participate with your Excellency in the pain experienced by your Excellency at the altogether unexpected and unnatural rebellion that has recently appeared in this and one other district of the province. Your Excellency has truly declared, that looking to the enviable state of happiness and prosperity of the country, this attempt on the part of a few wicked and misguided men is too remarkable not to demand serious notice and consideration; and we assure your Excellency its origin and progress, now well known and understood, will receive from us the most grave and serious attention. In the meantime we feel proud in the new and convincing proof the brave and loyal militia of this province have given of the truth of the assurance that has been many times and confidently transmitted to the Sovereign, by their Representatives in Provincial Parliament, that the British Crown cannot boast of more faithfully devoted subjects than the inhabitants of Upper Canada.

It is not a matter of surprise to us that, although all the disaffected of this province (howsoever encouraged, or by whatever hopes led on) having combined to overthrow our institutions; and to sever the union from the parent state, which we so dearly cherish as our greatest blessing, but which has been denounced as "a baneful domination," suddenly appeared in arms to effect their purpose; the loyal subjects of our Queen, at a moment when they believed themselves in perfect security from so foul and unnatural a treason, and were therefore wholly unprepared to defend themselves from the unexpected assault, should have risen in indignant power, and gallantly and patriotically crushed the daring and unprincipled efforts of their assailants. To the calls of honour, of duty, and of patriotism, the great body of the people of Upper Canada have ever shown themselves alive; and by these principles, and these only, have they been actuated in the recent contest, and by them will they be governed in all times to come. Neither can we forbear to notice, and to acknowledge with heartfelt satisfaction and delight that which justice and truth demand at our hands, that among those who flew to arms in defence of our Constitution and our laws, men of all creeds and parties, forgetting local differences and distinctions of politics, were to be found; and we can only hope that these indisputable facts will be remembered by the British nation, when the enemies of our peace and our honour shall raise their voices against us in the British senate or elsewhere.

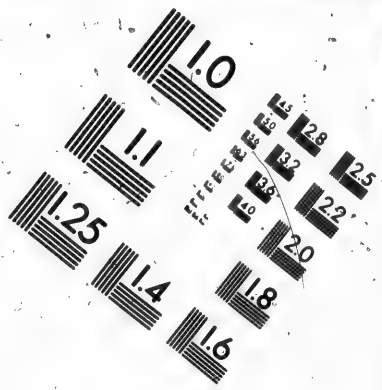
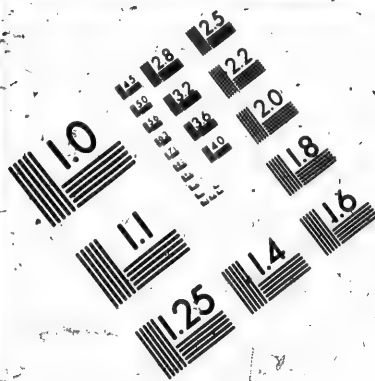
We think it unnecessary at this moment to remark more at large on the origin and progress of the calamity we have been called upon to deplore, as a more fit opportunity will probably present itself before the close of the present session. It may, however, be consistent with candour, and the dictates of a solemn duty, that this House should intimate now, and upon all occasions, that the root of the evil is not to be found in this province, but in the unwise and mistaken policy which has for years past been pursued by those who were bound to consider in what way protection could be best given to the loyal, rather than encouragement to the disaffected, and to have acted accordingly.

The contrition evinced by hundreds of deluded and misguided men, who declare themselves to have been deceived into the commission of the crimes of which they now stand charged, is gratifying to the feelings of every humane and benevolent mind; and we are grateful to Divine Providence that the effusion of human blood in this unnatural contest has been so slight. Neither can we pass over, without distinct notice and approbation, the able manner in which the service committed by your Excellency to Colonel McNab, the Speaker of this House, was performed by that officer in the London District.

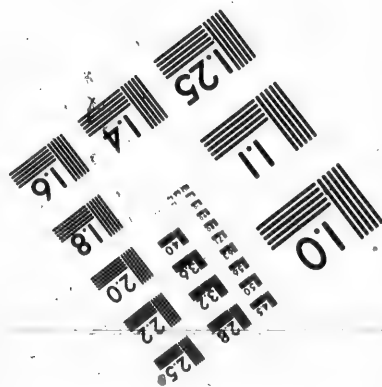
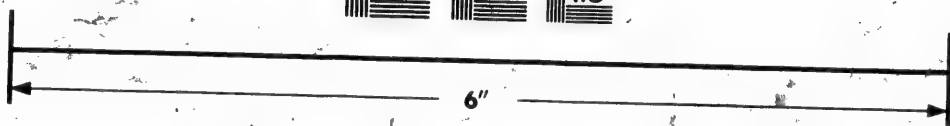
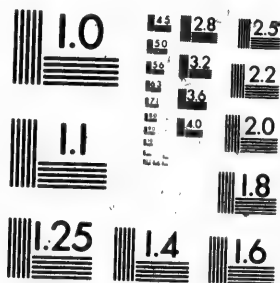
We assure your Excellency, that it is with surprise and regret we learn, that after peace and tranquillity had been restored in the province, by the defeat and dispersion of all those who had taken up arms in rebellion, we should be threatened with a hostile invasion by the citizens of a foreign country, with whom the Government is at peace. The pretext for aiding the cause, and for enlisting in the service of the few fugitives who, shunning the avenging arm of offended justice which was raised to punish them for murder, arson, and robbery, sought to cloak their real character under the sacred names of patriotism and liberty, is too flimsy to impose on any one, or to place their conduct in any other light than that of an atrocious aggression of the laws, liberty, and property of the people of Upper Canada. But we feel it just to express our conviction that the American people, with a due regard to their national honour, will promptly discountenance these unallowed proceedings, which we believe will turn out to be those of a few unprincipled adventurers; and we look confidently to the Government of the United States for that line of conduct which is consistent with good faith and the solemn obligations of existing treaties with the British nation. Should







**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

10
16
18
20
22
25
28
32
36
40
45
50
55
60
65
70
75
80
85
90
95
100

10
01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

UPPER
CANADA.

No. 20.

Sir F. B. Head to
Lord Glenelg,
3 January 1838.

Encl. in No. 20.

we unfortunately are deceived in these just and reasonable anticipations, and should this unwarrantable invasion proceed, we beg to assure your Excellency that the people of this province will faithfully perform their duty; and we doubt not that in defending their domestic hearths, their wives and families from hostility and destruction, they will fight under the protection of the God of Battles, who will give victory to their arms; nor do we fear but that the protection of the mighty empire of which we form a portion will be extended to our aid, and that her warriors will rush to assist us in this struggle for all that is dear to us as men and as Britons, as well as to vindicate the national honour, and to chastise the unprovoked invaders of the soil.

We await, however, the replies to the communication addressed to the Governor of the state of New York, and to Her Majesty's Minister at Washington, by your Excellency, in full confidence that they will contain an explicit assurance that we need not apprehend any further aggression on the part of the citizens of the United States, or from any portion of their territory, upon the Province of Upper Canada; and we rejoice to hear that in the meantime the defence of the frontier is entrusted to the gallant militia, and that your Excellency has made arrangements for calling forth the whole strength of the country, should circumstances render such a course necessary.

The complete success that has attended the operations ably planned and gallantly executed by that distinguished commander Lieutenant-general Sir John Colborne, in Lower Canada, and the brave officers and men, militia and troops of the line, under his command, claims our warmest admiration and thanks. We however are deeply sensible that to an over-ruling Providence we are indebted for the preservation and protection with which we have so signally been blessed; and we humbly trust to that Divine and Merciful Power to put a speedy termination to the dissensions that have so deeply affected the peace of these provinces.

We shall direct our attention to the public accounts, and to a consideration of the estimates for the ensuing year, as soon as they shall be laid before us.

We will not fail to provide for the proper support of the civil government, and should an expenditure of a more than ordinary character be requisite for the safety of the province, we shall not hesitate in making such a provision as the exigency of the case may require.

The propriety of indemnifying any of the inhabitants of this province who have sustained serious losses from the outrageous acts of the insurgents, and of providing pensions for the very few subjects of Her Majesty who may have been disabled by wounds received in defence of their laws, will engage our serious consideration. We shall not fail to devote our earliest attention to such measures as are called for by the present state of affairs, and as will tend to secure the safety of the province, and in favour of these important objects we shall postpone the consideration of such matters as the interests of the country do not require should be at once attended to.

We feel that the people who, at this inclement season, forsook their families, and rushed in thousands to the defence of their independence and their laws, deserve that every exertion should be made by us for their future protection, and we are sensible of the necessity that exists of providing for the suppression of such guilty proceedings as were displayed in the recent insurrection in their earliest stages.

We trust that in the exercise of a sound discretion, we shall be able to devise such measures as may be best suited for maintaining the public tranquillity, and for protecting the lives and properties of Her Majesty's subjects.

Our most serious consideration shall also be directed to the means of preventing or repelling such hostile aggressions by the people of a friendly power, as the frontier at present exhibits; and we confidently believe that we shall be able to maintain the safety and honour of the province as an integral portion of the British empire; that watchful over the designs of our enemies, and prompt in firmly resisting their attacks, the people will endeavour to sustain their character as a British province, and to show themselves worthy of the land from which they and their forefathers have sprung.

(signed) H. Ruttan, Speaker.

Commons House of Assembly, 1st day of January 1838.

— No. 21. —

EXTRACT of a DESPATCH from Lieutenant-Governor Sir F. B. Head, Bart., to Lord Glenelg; dated Toronto, 10 January 1838.

No. 21.
Sir F. B. Head to
Lord Glenelg,
10 January 1838.

I HAVE the honour to transmit to your Lordship a copy of a communication I have felt it expedient to address to his Excellency Henry S. Fox, Her Majesty's Minister at Washington, respecting the capture and destruction of the steam-boat Caroline, which, having been purchased or chartered by the pirates on Navy Island, was employed by them in supplying the island with munitions of war.

The correspondence on the subject between Mr. Arcularius, Commissary-general of the State of New York, and Colonel the honourable Allan M'Nab, commanding the forces of Her Britannic Majesty, will satisfactorily explain to

your

your-

contro-

The

upon

gallan-

I h

which

a rebel

and ef

there i

To

Sir

I HA

Govern

which y

only rea

on the s

The G

steam-b

Chippew

America

The a

In Up

guiltily

Lower C

the Gove

At no

been mo

national

Provinc

were wh

port of t

the 4th

occasional

not believ

of threate

The feelin

that it wa

ceedings

On the

the intelli

they had

persons pr

province,

armed men

a respecta

awaited th

advanced

was thoug

success of

to oppose

deserted b

which thei

On the

persed the

my order,

have since

from the p

It was re

had been

district, wh

tract, who

It was di

were assem

selves and

themselves

for forgiven

In about

357.

No. 21.
Sir F. B. Head to
Lord Glenelg,
10 January 1838.

your Lordship that the American authorities want either the will or the power to control their people.

The exploit of cutting out the Caroline is one which reflects so much credit upon those by whom it was executed, that I shall feel it my duty to bring their gallant conduct under the especial consideration of Her Majesty's Government.

I have not time to address your Lordship to-day on the general situation in which we are placed here; but I can assure you that there is not at this moment a rebel in arms in the province; that the attempt at rebellion was immediately and effectually crushed; and that, as regards the political state of the province, there is nothing whatever to fear.

Enclosures in No. 21.

(No. 1.)

To His Excellency *Henry S. For, Esq.*, Her Majesty's Minister at Washington.

Toronto, Upper Canada, 8 January 1838.

Sir,
I HAVE the honour to enclose you the copy of a special message sent by his Excellency Governor Marcy to the Legislature of the State of New York, in relation to a matter on which your Excellency will desire the earliest and most authentic information. The message only reached this place yesterday; and I lose no time in communicating with your Excellency on the subject.

The Governor of the State of New York complains of the cutting out and burning of the steam-boat *Caroline*, by order of Colonel M^cNab, commanding Her Majesty's forces at Chippewa, in the province of Upper Canada; and of the destruction of the lives of some American citizens who were on board of the boat at the time she was attacked.

The act complained of was done under the following circumstances:

In Upper Canada, which contains a population of about 450,000 souls, the most perfect tranquillity prevailed up to the 4th day of December last, although, in the adjoining province of Lower Canada, many of the French Canadian inhabitants had been in open rebellion against the Government for about a month preceding.

At no time since the treaty of peace with the United States in 1815 had Upper Canada been more undisturbed. The real causes of the insurrection in Lower Canada, namely, the national antipathy of the French inhabitants, did not, in any degree, apply in the Upper Province, whose population, like the British and American inhabitants of Lower Canada, were wholly opposed to the revolt, and anxious to render every service in their power in support of the Queen's authority. It had been reported to the Government, some time before the 4th of December, that, in a remote portion of the home district, a number of persons occasionally met and drilled with arms, under leaders known to be disaffected; but it was not believed by the Government that anything more could be intended than to make a show of threatened revolt, in order to create a diversion in favour of the rebels in Lower Canada. The feeling of loyalty throughout this province was known to be so prevalent and decided, that it was not thought unsafe to forbear, for the time at least, to take any notice of the proceedings of this party.

On the night of the 4th December the inhabitants of the city of Toronto were alarmed by the intelligence that about 500 persons, armed with rifles, were approaching the city; that they had murdered a gentleman of great respectability in the highway, and had made several persons prisoners. The inhabitants rushed immediately to arms. There were no soldiers in the province, and no militia had been called out. The home district, from which this party of armed men came, contains 60,000 inhabitants; the city of Toronto 10,000. In a few hours a respectable force, although undisciplined, was collected and armed in self-defence, and awaited the threatened attack. It seems now to admit of no doubt that, if they had at once advanced against the insurgents, they would have met with no formidable resistance; but it was thought more prudent to wait until a sufficient force should be collected to put the success of an attack beyond question. In the meantime, people poured in from all quarters to oppose the insurgents, who obtained no increase of numbers, but, on the contrary, were deserted by many of their body, in consequence of the acts of devastation and plunder into which their leader had forced them.

On the 7th of December an overwhelming force of militia went against them and dispersed them without losing a man, taking many prisoners, who were instantly released by my order, and suffered to depart to their homes; the rest, with their leaders, fled; some have since surrendered themselves to justice, many have been taken, and some have escaped from the province.

It was reported about this time that in the district of London a similar disposition to rise had been observed, and in consequence a militia force of about 400 men was sent into that district, where it was speedily joined by three times as many of the inhabitants of the district, who assembled voluntarily, and came to their aid with the greatest alacrity.

It was discovered that about 300 persons under Dr. Duncombe, an American by birth, were assembled with arms; but before the militia could reach them they dispersed themselves and fled. Of these by far the greater number came in immediately and submitted themselves to the Government, declaring that they had been misled and deceived, and praying for forgiveness.

In about a week perfect tranquillity was restored, and from that moment not a man has been

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

86

CORRESPONDENCE RELATIVE TO THE

been seen in arms against the Government in any part of the province, with the exception of the hostile aggression upon Navy Island, which I shall presently notice, nor has there been the slightest resistance offered to the execution of legal process in a single instance.

After the dispersion of the armed insurgents near Toronto, Mr. M'Kenzie, their leader, escaped in disguise to the Niagara river, and crossed over to Buffalo. Reports had been spread there and elsewhere along the American frontier, that Toronto had been burnt, and that the rebels were completely successful; but the falsehood of these absurd rumours was well known before M'Kenzie arrived on the American side. It was known also that the ridiculous attempt of 400 men to revolutionize a country containing nearly half a million of inhabitants, had been put down by the people instantly, and decidedly, without the loss of a man.

Nevertheless, a number of American citizens in Buffalo and other towns on the frontier of the state of New York, enlisted as soldiers with the avowed object of invading Canada and establishing a provisional government. Public meetings were held to forward this design of invading a country with which the United States were at peace. Volunteers were called for, and arms, ammunition, and provisions were supplied by contributions openly made; and all this was in direct and flagrant violation of the express laws of the United States, as well as of the law of nations.

The civil authority of Buffalo offered some slight show of resistance to the movement, being urged to interpose by many of the most respectable citizens, but no real impediment was offered; and on the 13th of December some hundreds of the citizens of the state of New York, as an armed body, under the command of a Mr. Van Rensselaer, an American citizen, openly invaded and took possession of Navy Island, a part of Upper Canada, situated in the river Niagara.

Not believing that such an outrage would really be committed, no force whatever was assembled at the time to counteract this hostile movement.

In a very short time this lawless band obtained from some of the arsenals of the state of New York, clandestinely, as it is said, several pieces of artillery and other arms, which in broad daylight were openly transported to Navy Island, without resistance from the American authorities, the people of Buffalo and the adjacent country continued to supply them with stores of various kinds, and additional men enlisted in their ranks. In a few days their force was variously stated from 500 to 1,500, of whom a small proportion were rebels, who had fled from Upper Canada. They began to entrench themselves, and threatened that they would in a short time make a landing on the Niagara river.

To prevent this and keep them in check, a body of militia was hastily collected and stationed on the frontier, under the command of Colonel Cameron, assistant adjutant-general of militia, who was succeeded in this command by Colonel M'Nab, the Speaker of the House of Assembly, an officer whose humanity and discretion, as well as his activity, have been proved by his conduct in putting down the insurrection in the Leeds district, and have been acknowledged in warm terms of gratitude by the misguided persons who had surrendered themselves into his hands. He received orders to act on the defensive only, and to be careful not to do any act which the American government could justly complain of as a breach of neutrality.

An official statement of the unfriendly proceedings at Buffalo was, without delay, on the 13th December, made by me to his Excellency the Governor of the State of New York, to which no answer has been received; and after this open invasion of our territory, and when it became evident that nothing was effected at Buffalo for preventing the violation of neutrality, a special messenger was sent to your Excellency at Washington, to urge you, interposition in the matter. Sufficient time has not yet elapsed to admit of his return. Soon after his departure this band of outlaws on Navy Island, acting in defiance of the laws and government of both countries, opened a fire from several pieces of ordnance upon the Canadian shore, which in this part is thickly settled, the distance from the island being about 600 yards, and within sight of the populous village of Chippewa. They put several balls (six-pound shot) through a house in which a party of militia men were quartered, and which is the dwelling-house of Captain Usher, a respectable inhabitant. They killed a horse on which a man at the time was riding, but happily did no further mischief, though they fired also repeatedly with cannon and musketry upon our boats.

They continued daily to render their position more formidable, receiving constant supplies of men and warlike stores from the state of New York, which were chiefly embarked at a landing-place on the American main shore, called Fort Schlosser, nearly opposite to Navy Island. This place was once, I believe, a military position before the conquest of Canada from the French, but there is now neither fort nor village there, but merely a single house occupied as a tavern, and a wharf in front of it, to which boats and vessels are moored. The tavern had been, during these lawless proceedings, a rendezvous for the band, who cannot be called by any name more appropriate than pirates, and was in fact openly and notoriously resorted to as their head quarters on the main land, and is so to this time. On the 28th December positive information was given to Colonel M'Nab, by persons from Buffalo, that a small steam-boat called the Caroline, of about 50 tons burthen, had been hired by the pirates, who called themselves patriots, and was to be employed in carrying down cannon and other stores, and in transporting men, and anything else that might be required, between Fort Schlosser and Navy Island.

He resolved, if she came down and engaged in this service, to take or destroy her. She did come down, agreeably to the information he received. She transported a piece of artillery and other stores to the island, and made repeated passages during the day between the island and the main shore. In the night he sent a party of militia in boats, with orders to

take

take or d
to the wh
men to pu
was an ar
Thus, i
every pri
fending in
were infl
States pe
equally u
Before t
of Colonel
the United
was engag
for her del
vessel so e
presence, o
this necess
Fifteen o
and equip
The cou
falo alone
to those fl
further tha
but in eith
right to def
No want
loosed the
current of t
drift down
The pris
despatch, a
had lately b
was then or
being born
afraid to ar
was plac
he was sent
expenses.
I send wit
1. A copy
reply has re
2. The off
of the Carol
3. The cor
respecting th
been and is
4. Other
frontier.
5. The spe
It will be
New York h
possession of
this portion o
ledges, by the
forces could g
has abandon
your Excell
Commissary-g
not hesitated
laws he has v
ment, and has
American citi
The exact p
An army of
of New York
using artillery
piratical warf
The officers
attempted to a
Although this
Upper Canada
has failed to ef
357.

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

take or destroy her. They proceeded to execute the order. They found the Caroline moored to the wharf opposite to the inn at Fort Schlosser. In the inn there was a guard of armed men to protect her, part of the pirate force, or acting in their support. On her deck there was an armed party, and a sentinel who demanded the countersign.

Thus, identified as she was with the force which, in defiance of the law of nations and every principle of natural justice, had invaded Upper Canada and made war upon its unoffending inhabitants, she was boarded; and after a resistance in which some desperate wounds were inflicted upon the assailants, she was carried. If any peaceable citizens of the United States perished in the conflict, it was and is unknown to the captors; and it was and is equally unknown to them whether any such were there.

Before this vessel was thus taken, not a gun had been fired by the force under the orders of Colonel M'Nab, even upon this gang of pirates, much less upon any peaceable citizen of the United States. It must therefore have been a consciousness of the guilty service she was engaged in that led those who were employing her to think an armed guard necessary for her defence. Peaceable citizens of the United States were not likely to be found in a vessel so employed at such a place and in such a juncture; and if they were there, their presence, especially unknown, as it was, to the captors, could not prevent, in law or reason, this necessary act of self-defence.

Fifteen days had elapsed since the invasion of Upper Canada by a force enlisted, armed, and equipped openly in the state of New York.

The country where this outrage upon the law of nations was committed is populous; Buffalo alone contains 15,000 inhabitants. The public authorities, it is true, gave no countenance to those flagrant acts, but it did not prevent them, or in the slightest degree obstruct them, further than by issuing proclamations which were disregarded. Perhaps they could not; but in either case the insult and injury to the inhabitants of Canada were the same, and their right to defend themselves equally unquestionable.

No wanton injury was committed by the party who gallantly effected this service; they loosed the vessel from the wharf, and finding they could not tow her against the rapid current of the Niagara, they abandoned the effort to secure her, set her on fire, and let her drift down the stream.

The prisoners taken were, a man who, it will be seen by the documents accompanying this despatch, avowed himself to be the subject of Her Majesty, inhabiting Upper Canada, who had lately been traitorously in arms in that province, and having fled to the United States, was then on board for the purpose of going to the camp at Navy Island, and a boy, who, being born in Lower Canada, was probably residing in the United States, and who, being afraid to land from the boat, in consequence of the firing kept up by the guard on the shore, was placed in one of the boats under Captain Drew and taken over to our side, from whence he was sent home the next day by the Falls Ferry, with money given him to bear his expenses.

I send with this letter:—

1. A copy of my first communication to his Excellency Governor Marcy, to which no reply has reached me.
2. The official reports, correspondence, and militia general order respecting the destruction of the Caroline, with other documents.
3. The correspondence between Commissary-general Arcularius, of the state of New York, respecting the artillery belonging to the government of the state of New York, which has been and is still used in making war upon this province.
4. Other correspondence, arising out of the present state of things on the Niagara frontier.
5. The special message of Governor Marcy.

It will be seen, from these documents, that a high officer of the government of the state of New York has been sent by his Excellency the Governor for the express purpose of regaining possession of the artillery of that state, which is now employed in hostile aggressions upon this portion of Her Majesty's dominions; and that being aided and favoured, as he acknowledges, by the most friendly co-operation which the commanding officer of Her Majesty's forces could give him, he has been successfully defied by this army of American citizens, and has abandoned the object of his mission in despair. It can hardly fail to be also observed by your Excellency, that in the course of this negotiation between Mr. Van Rensselaer and the Commissary-general of the state of New York, this individual, Mr. Van Rensselaer, has not hesitated to place himself within the immediate jurisdiction of the government whose laws he has violated, and in direct personal communication with the officer of that government, and has nevertheless been allowed to return unmolested to continue in command of American citizens engaged in open hostilities against Great Britain.

The exact position, then, of affairs in our frontier may be thus described:

An army of American citizens, joined to a very few traitors from Upper Canada, and under the command of a subject of the United States, has been raised and equipped in the state of New York against the laws of the United States and the treaties now subsisting, and are using artillery plundered from the arsenals of the state of New York, in carrying on this piratical warfare against a friendly country.

The officers and government of the United States and the state of New York have attempted to arrest these proceedings and to control their citizens, but they have failed. Although this piratical assemblage is thus defying the civil authorities of both countries, Upper Canada alone is the object of their hostilities. The government of the United States has failed to enforce its authority by any means, civil or military, and the single question, if

UPPER
CANADA.

No. 21.
Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

it be a question, is whether Upper Canada was bound to refrain from necessary acts of self-defence against a people whom their own government either could not or would not control.

In perusing the message of his Excellency Governor Marcy to the legislature of the state of New York, your Excellency will probably feel some degree of surprise that after three weeks' continued hostility carried on by the citizens of New York against the people of Upper Canada, his Excellency seems to have considered himself not called upon to make this aggression the subject of remark for any other purpose than to complain of a solitary act of self-defence on the part of Her Majesty's province of Upper Canada, to which such unprovoked hostilities have unavoidably led.

I have, &c.
(signed) F. B. Head.

(No. 2.)

COPY of a LETTER from H. W. Rogers, Esq., District Attorney of the County of Erie, to the Hon. Col. M^cNab, Commanding Her Majesty's Forces at Chippewa.

Sir,

Buffalo, 29 Dec. 1837.

Our city has been thrown into commotion this morning by a report that certain forces under your command had within the last 12 hours landed upon Grand Island within the territory of the United States. I have no confidence in the report and believe it utterly without foundation, but to quell the apprehensions of our citizens I have pledged myself, as an acting officer of the government, to take every possible means to ascertain the truth of the report, and to prevent such an occurrence. In the absence of the marshal, I have commissioned Judge M^cLean, of this city, to wait on you immediately, and to make you acquainted with the present attitude of affairs. The judge will bear this to you, and upon his statements and representations you can rely with the most perfect confidence. Be assured, Sir, that the public authorities upon this frontier will put forth every effort to restrain our citizens and to maintain a strict neutrality.

With great consideration, I am, &c.

(signed) H. W. Rogers,
Dist. Att. of the Co. of Erie, and
Acting Att. for U. S.

To Col. A. N. M^cNab,
Commander of H. M. Forces at Chippewa.

(No. 3.)

REPLY of Col. M^cNab, to H. W. Rogers, Esq.

Sir,

Head-quarters, Chippewa, 29 Dec. 1837.

I HAVE the honour to acknowledge the receipt of your letter of this morning, just handed to me by the Hon. Mr. Justice M^cLean.

With respect to the report in the city of Buffalo, that certain forces under my command had landed upon Grand Island, an island within the territory of the United States, I can assure you that it is entirely without foundation, and that so far from my having any intention of the kind, such a proceeding would be in direct opposition to the wishes and instructions of Her Britannic Majesty's Government in this colony, whose servant I have the honour to be.

Entering at once into the feelings which induced you to address me upon this subject, I beg leave to call your attention to the following facts: that so far from occupying or intending to occupy that or any other portion of the American country, aggressions of a most serious and hostile nature have been made upon the forces under my command from that island. Two affidavits are now before me, stating that a volley of musketry from Grand Island was yesterday fired upon a party of unarmed persons, some of whom were females, without the slightest provocation having been offered. That on the same day one of my boats, manned by British subjects, passing along the American shore, and without any cause being given, was fired upon from the American side near Fort Schlosser by cannon, the property I am told of the United States.

I have also before me most positive information that a steam-boat, called the Caroline, was sold to the pirates who have joined the rebels in Navy Island, and loaded with provisions and munitions of war, not only within your country, but immediately under the notice of the authorities of the United States and of the citizens of Buffalo, whom you state to have been thrown into commotion by the report mentioned in your communication, and that these stores and munitions had been forwarded to Navy Island, for the use and assistance of the band of pirates assembled there, for the avowed purpose of invading and plundering the country, and dividing Her Britannic Majesty's lands amongst their deluded followers.

I have, &c.
(signed) Allan N. M^cNab,
Col. Commanding Her Majesty's Forces
on the Niagara Frontier.

H. W. Rogers, Esq.,
District Attorney, &c. &c. &c.

I
gove
have
cour
Brit
Cap
(wh
some
the v
are n

P.

Sir
I ha
gove
pirate
The
which
assure
grateful
to perfo
I sha
Captain
It aff
wounde
healed.

To Co

Copy of

Sir,
I HAVE
destroy, t
American
about five,
reported t
boats to be
off from th
and found
I their
steamer; w
gangway h
we got on t
to 30 men
possession.
I deemed it
the precauti
the possibili
board the st
there might
desist with a

AFFAIRS OF LOWER CANADA, &c.

89

UPPER
CANADA.

(No. 4.)

COPY of a LETTER from the Honourable A. N. M'Nab, Colonel Commanding, to
Lieutenant-Colonel James M. Strachan, Military Secretary.

Head Quarters, Chippewa, 30 December 1837.

Sir,
I HAVE the honour to report, for the information of his Excellency the Lieutenant-governor, that having received positive information that the pirates and rebels at Navy Island country, and being confirmed in my information yesterday, by the boat (which sailed under British colours) appearing at the Island, I determined upon cutting her out; and having sent Captain Drew, of the Royal Navy, he, in the most gallant manner, with a crew of volunteers (whose names I shall hereafter mention), performed this dangerous service, which was handsomely effected. In consequence of the heavy current it was found to be impossible to get the vessel over to this place, and it was therefore necessary to set her on fire. Her colours are now in my possession.

I have, &c.

(signed) A. N. M'Nab,
Colonel Commanding.

P.S.—We have two or three wounded, and the pirates about the same number killed.

(signed) A. N. M'Nab.

No. 21.
Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

(No. 5.)

COPY of a LETTER from the Honourable A. N. M'Nab to Colonel Strachan.

Head Quarters, Chippewa, 1 January 1838.

Sir,
I HAVE the honour to enclose to you, for the information of his Excellency the Lieutenant-governor, the report of Captain Drew, R. N., of the capture and destruction by fire of the piratical steamer Caroline, whilst engaged in the service of the rebels at Navy Island. The report of that gallant officer, his Excellency will observe, is written with that modesty which always distinguishes the accounts of a brave man of his own valour; but I beg to assure his Excellency that it was a most daring and spirited action, and for which I feel most grateful to Captain Drew and the brave fellows under his command, who so nobly volunteered to perform this desperate service.

I shall take an early opportunity to forward to his Excellency the names of the party under Captain Drew, that the country may know every actor in this gallant affair.

It affords me the greatest satisfaction to state, that Captain M'Cormack, although severely wounded, is in a fair way of recovery. Captain Arnold's wounds will, I trust, soon be healed. Captain Warren (late of the 60th) is doing duty as usual.

To Col. Strachan, Military Secretary,
&c. &c. &c.

I have, &c.
(signed) Allan N. M'Nab,
Col. Commanding.

(No. 6.)

COPY of a LETTER from Captain Drew, Commander, Royal Navy, to the Honourable A. N. M'Nab, Colonel Commanding Her Majesty's Forces.

Head Quarters, Chippewa, 30 December 1837.

Sir,
I HAVE the honour to inform you, that in obedience to your commands to burn, sink, or destroy, the piratical steam-vessel which had been plying between Navy Island and the American shore the whole of yesterday, I ordered a look-out to be kept upon her; and at about five, p. m. of yesterday, when the day had closed in, Mr. Harris, of the Royal Navy, reported the vessel to me as having moved off Navy Island. I immediately directed five boats to be armed and manned with 46 volunteers, and at about 11 o'clock, p. m., we pushed off from the shore for Navy Island, when not finding her there as expected, we went in search, and found her moored between an island and the main shore.

I then assembled the boats off the point of the island, and dropped quietly down upon the steamer; we were not discovered until within 30 yards of her, when the sentry upon the gangway hailed us, and asked for the countersign, which I told him we would give when we got on board; he then fired upon us, when we immediately boarded, and found from 30 to 30 men upon her decks, who were easily overcome, and in two minutes she was in our possession. As the current was running strong, and our position close to the Falls of Niagara, I deemed it most prudent to burn the vessel; but previously to setting her on fire we took the precaution to loose her from her moorings, and turn her out into the stream, to prevent the possibility of the destruction of anything like American property. In short, all those on board the steamer who did not resist were quietly put on shore, as I thought it possible there might be some American citizens on board. Those who assailed us were of course despatched with according to the usages of war.

357.

I cannot

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

90

CORRESPONDENCE RELATIVE TO THE

I cannot speak too highly of the conduct of the officers and men who accompanied me; their coolness and bravery shows what may be expected from them, when their country requires their services. Where all behaved so well, it would be invidious in me to particularize any one; but I may be excused for mentioning the gallant conduct of Lieutenant Shepard M'Cormack, of the Royal Navy, who nobly seconded me, and had to encounter several of the pirates in the fore part of the vessel, by which, I regret to say, he has received five desperate wounds. We have also two others wounded; and I regret to add, that five or six of the enemy were killed. A return of our wounded I beg to subjoin.

I have, &c.
(signed) Andrew Drew,
Commander, Royal Navy.

P. S.—I beg to add, that we brought one prisoner away, a British subject, in consequence of his acknowledging that he had belonged to Duncombe's army, and was on board the steamer to join M'Kenzie upon Navy Island.

Andrew Drew.

Return of the Wounded :

Lieutenant Shepard M'Cormack, Royal Navy	-	-	desperately.
Captain Warren	-	-	slightly.
John Arnold	-	-	severely.

Andrew Drew.

(No. 7.)

Niagara, 1 January 1838.

Sir,
The Lieutenant-governor on his arrival here, has this moment received your despatch of this day, enclosing to his Excellency the report of Captain Drew, R. N., of the capture and destruction of the piratical steamer Caroline, whilst engaged in the service of the rebels on Navy Island.

His Excellency desires me to express to you his unqualified approbation of this proceeding, and he desires that you will convey to Captain Drew, to Lieut. M'Cormack, and to the other brave volunteers who accompanied him, his thanks for the important service they have rendered this province, and which his Excellency will lose no time in making known to Her Majesty's Government.

I have, &c.
(signed) J. M. Strachan,
Military Secretary.

Col. the Hon. Allan Napier M'Nab,
&c. &c. &c.

(No. 8.)

General Order.

Head Quarters, Chippewa, 3 Jan. 1838.

COLONEL M'NAB has great satisfaction in announcing to the forces under his command that the destruction of the steam-boat Caroline, in the employment of the pirates in Navy Island, which was effected in a manner so highly creditable to the gallant volunteers from the naval brigade and troops in the night of the 29th December 1837, has met with the unqualified approbation of his Excellency the Lieutenant-governor; and that his Excellency desires to express to Captain Drew and the brave volunteers who accompanied him, his thanks for the important services they have rendered this province, and which his Excellency will lose no time in making known to Her Majesty's Government.

(signed) K. Cameron,
Assistant Adjutant-General.

(No. 9.)

The following are the Affidavits referred to in Colonel M'Nab's Correspondence :

Affidavit of *Sylvanus Fearn: Wrigley*, sworn before Mr. Justice Hamilton Merritt, at Chippewa, 30 December 1837. (Vide p. 2.)

Affidavit of *George Nolop*, sworn before Mr. Justice Rykert, at Chippewa, 20 December 1837. (Vide p. 3.)

Affidavit of *Luke Walker*, sworn before Mr. Justice Hamilton Merritt, 30 December 1837. (Vide p. 4.)

District of Niagara, } JAMES WOOD, late of the city of Buffalo, in the state of New York,
to wit, } mariner, but now of the village of Chippewa, in the province of
Upper Canada, maketh oath and saith, that he was at Buffalo when the steamer Caroline was cut out of the ice; he saw the men working at her, and in his opinion the numbers employed

AFFAIRS OF LOWER CANADA, &c.

91

UPPER
CANADA

No. 21.

Sir F. B. Head to
Lord Glenelg.
10 January 1838.

Enclosures in
No. 21.

employed could not be much less than 1,000; that it was generally understood that they were volunteers, working for M'Kenzie and the patriots on Navy Island, and it was the common talk of the town that the Caroline was intended for the use of the patriots on the island; that he, this deponent, saw on board of the said boat when she left, muskets, swords, and flour; that he asked Captain Appleby, who commanded the boat, where she was going, and that Appleby said "to Dunkirk," which is 45 miles above Buffalo; that deponent replied, that he believed the Dunkirk he meant would be in another direction, meaning Navy Island, that the captain then smiled, and made no reply. Deponent further saith, that he has heard many rich people in Buffalo say, that if the patriots would fight they would find them.

(signed)

James Wood.

Sworn before me, at Chippewa, in the district of Niagara, this 8th day of January 1838.

Warner Nelles, J. P.

(No. 10.)

District of Niagara, ANDREW DREW, of the village of Woodstock, in the district of London, esq., commander in the Royal Navy, deposed and saith, that on the night of the 29th of December last, he proceeded, by direction of Colonel Allan Napier M'Nab, commanding Her Majesty's forces on the Niagara frontier, to take possession of the steam-boat Caroline, and that deponent did take possession of her accordingly; that he immediately gave orders for her to be cast off from the wharf to which she was moored, and to be set on fire; that previously to her being cast off from the wharf, the cabin below was searched, and the colours brought from it; that there was a man found lying in the vessel was unmoored; that one fire was made in the cabin abaft, and another below in the fore part of the vessel where the machinery was, and where a quantity of cordwood, was piled together, which was lighted from the coals of the fire-place; that full 10 minutes elapsed before the fire started into a blaze, and that one of deponent's own men was there the whole time kindling the fire; that deponent does not believe any living being was on board the Caroline after his party left her, and that it was impossible to suppose any person would have remained there knowing that a fire was lighting to burn the vessel; that deponent was the last person who left the vessel, except one, and that man stepped into the boat immediately after him; and that deponent does not believe that any person on board the Caroline jumped or was thrown overboard.

(signed)

Andrew Drew,

Commander, Royal Navy.

Sworn before me at Chippewa, this 10th day of January 1838.

(signed)

James Cummings, J. P.

(No. 11.)

COPY of a LETTER from the Honourable Allan N. M'Nab, Colonel Commanding, to Lieutenant-Colonel Strachan.

Sir,

I BEG leave to report that I have just been called upon by Mr. Smith, one of the deputy-marshals of the state of New York, and collector of customs for the port of Manchester, with a letter from Henry Arcularius, esq., Commissary-general of military stores for the state of New York, which, with my reply, I have the honour to enclose.

I have, &c.

(signed)

Allan N. M'Nab,

Colonel Commanding.

Lieutenant-Colonel Strachan,
Military Secretary.

(No. 12.)

COPY of a LETTER from General Arcularius, Commissary-General of the State of New York, to the Honourable Colonel A. N. M'Nab.

Sir,

HAVING just arrived in this part of the state of New York, pursuant to the commands of the Governor of this State, (a copy of which I have the honour herewith to enclose,) I would most respectfully solicit from you the suspension of an attack of the assemblage now lodged on Navy Island, bordering this frontier, until I can demand the surrender of any and all the arms, ordnance, and ordnance stores belonging to the people of this state, of which this assemblage have obtained the clandestine possession, and permission to withdraw the same if they shall be given up. The application will be made immediately, and without any delay on my part, or the part of those citizens to whom the communication is addressed.

I have, &c.

(signed)

Henry Arcularius,
Commissary-General Military Stores, State of New York.

N 2

337.

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.Enclosures in
No. 21.

(No. 13.)

COPY of a LETTER from His Excellency W. L. Marcy, Governor of the State of New York, to General J. Gould, of Rochester, Judge Hunt, of Lockport, his Honor J. Trowbridge, Mayor of Buffalo, and others.

Albany, 29 December 1837.

Gentlemen,
PERMIT me to introduce to you respectively the bearer hereof, General Arcularius, the commissary-general of this state. Understanding from various persons that some of the pieces of ordnance, and other military property belonging to the state, and situated in the western part of it, have been taken from those who had the custody of them, and carried beyond our territorial limits, I have directed the commissary-general to visit that section of the state, for the purpose of ascertaining the truth of these reports, and to take proper measures to reclaim such portion of the public property as may have been taken away, and to place it in a safe condition.

I shall be much obliged to you for any aid or information that you shall have it in your power to afford him.

I have, &c.
(signed) W. L. Marcy.

(No. 14.)

COPY of a REPLY from the Honourable A. N. M^cNab to Commissary-General Arcularius.

Head Quarters, Chippewa, 2 January 1838.

Sir,
I HAVE this moment had the honour to receive your communication of this day, in which you solicit a suspension of an attack on the assemblage now lodged on Navy Island until you can demand the surrender of any and all the arms, ordnance, and ordnance stores, belonging to the people of the State of New York, of which the assemblage have obtained, the clandestine possession, with permission to withdraw the same if they shall be given up, and assuring me that the above application will be made immediately and without any delay on your part, or on the part of those citizens to whom the communication is addressed.

As the above application evinces a noble desire on the part of the State of New York sincerely to co-operate with the Government of Her Britannic Majesty in maintaining the laws of nations against the atrocious attack of a band of pirates, who have equally insulted the American as well as the British authorities, by plundering their property, and by openly setting their laws at defiance, I lose no time in assuring you, that having been directed co-operating with the authorities, as well as with the citizens of the United States, and to do every thing in my power to avoid, if possible, the effusion of human blood, I shall have great pleasure in suspending my attack on the pirates off Navy Island, and will cheerfully consent, on the part of Her Majesty's Government, that any arms or property they may have stolen from your government or from your citizens, may be withdrawn by you from the island, for the purpose of being immediately restored to their rightful owners.

Relying upon receiving from you the earliest possible notice of the result of your laudable exertions, and trusting that the same good feeling which has determined your government to deprive these people of the arms of the United States, which you acknowledge they have clandestinely possessed themselves of, will induce you to prevent them from receiving from your shores any further assistance or supplies,

I have, &c.
(signed) Allan N. M^cNab,
Col. com. H. M.'s Forces on the Niagara Frontier.

To Commissary-General Henry
Arcularius, Esq., &c. &c. &c.

(No. 15.)

Head Quarters, Chippewa, 3d January 1838.

Sir,
WITH reference to your letter to me of yesterday, and my reply thereto, I have the honour to inform you that I have issued the enclosed general order to the forces under my command, which I trust will be satisfactory to the authorities of the United States.

Having acted upon your suggestion in abstaining from any attack upon Navy Island until you could make a demand of the ordnance and stores from the pirates assembled there, I beg to be informed of the result of that application.

I have, &c.
Allan N. M^cNab,
Col. Comd. H. M.'s Forces on the Niagara Frontier.

Com. Gen. Henry Arcularius,
&c. &c.

(No. 16.)

Head Quarters, Chippewa, Assist. Adj. General's Office,
3 January 1838.

(General Order.)
Colonel M^cNab being desirous of doing everything in his power to preserve the treaty of peace and amity which happily exists between Her Britannic Majesty and the government of the United States of America, and having received the assurance of Commissary-General Henry Arcularius, by command of the Governor of the State of New York, that it was his intention

intention
arms, or
soliciting
be made
careful t
American

To

Sir,
I HAVE
order to
for the h
Navy Isl
In com
Schlosser
me, for t
to surren
people of
peruse th
two o'clock
four o'clock
tunately,
therefore,
Renssela
and arms
Be asse
possession
This is
which it w
subject, I

To Colonel

Sir,
In comp
to address
just received

To General

Sir,
I HAVE
as were on
could not b
was consid
municate to

Colonel A

Sir
I HAVE t
United Stat
country.
I would n
humane desi
357.

AFFAIRS OF LOWER CANADA, &c.

93

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

K. Cameron, A. A. G.

(No. 17.)

To Colonel M^r Nab, Commanding Her Majesty's Forces on the Niagara Frontier.

State of New York, Niagara Falls,
3 January 1838.

Sir,
I HAVE the honour to acknowledge the receipt of your despatch, enclosing the general order to the forces under your command, and tender you my thanks for your politeness, and for the humane disposition which you have manifested toward the illegal assemblage on Navy Island.

In compliance with my orders from the Governor, I waited upon Mr. Van Rensselaer, at Schlosser, at which place he came to see me and the honourable gentlemen who accompanied me, for the purpose of persuading him to a compliance with the requisition of the Governor, to surrender to me the ordnance and arms clandestinely obtained from the possession of the people of this State. I there presented him a copy of the requisition, and allowed him to peruse the original, which he did, and in reply expressed his wish to be allowed time until two o'clock of this day to make his answer, and this forenoon requested further delay till four o'clock to furnish his answer, and to all of which arrangements I consented. But, unfortunately, it is now five o'clock, and I am not yet in receipt of the expected answer. I am, therefore, with great regret, compelled to conclude that it is not the intention of Mr. Van Rensselaer to obey the command of the Governor of this State, to surrender the ordnance and arms to me, in compliance with them.

Be assured, however, that it is not my intention to relax in the necessary efforts to obtain possession of the military property in question.

This is all I am at this moment able to state to you. Should anything further occur, and which it will be necessary to send you information of, of a more favourable character on this subject, I shall hasten to communicate it, and with the greatest cheerfulness.

I have, &c.

(signed) Henry Arcularius,

Commissary-General Military Stores, S. N. Y.

(No. 18.)

To Colonel Allan N. M^r Nab, Commanding Her Majesty's Forces on the Niagara Frontier.

State of New York, Wednesday evening, 9 o'clock,
Niagara Falls, 3 January 1838.

Sir,
IN compliance with my promise, made in my letter of this evening, which I had the honour to address you, I now deem it my duty to send you the enclosed copy of a communication just received from Mr. Van Rensselaer, the commanding officer at Navy Island.

I have, &c.

(signed) Henry Arcularius,

Commissary-General Military Stores, S. N. Y.

(No. 19.)

To General Arcularius, Commissary-General, State of New York, now at Niagara Falls.

Head Quarters, Navy Island, Upper Canada,
3 January 1838.

Sir,
I HAVE laid your letter of yesterday before such members of the Provisional Government as were on the island at the time of my landing, but as a sufficient number to form a board could not be assembled in time to give your request the grave consideration it demands, it was considered just to defer a reply until to-morrow, when I will have the honour to communicate to you the decision of the board.

I have, &c.

(signed) Reuss Van Rensselaer,
Commanding, &c.

(No. 20.)

Colonel Allan N. M^r Nab, Commanding Her Majesty's Forces on the Niagara Frontier.

State of New York, Niagara Falls,
4 January 1838.

Sir
I HAVE the honour to enclose a copy of the proclamation issued to our citizens by the United States marshal, N. Garrow, esq., this morning, with aid to enforce the laws of our country.

I would most respectfully avail myself of this opportunity of communication, to express a humane desire to you, which is to know, whether the Canadians on Navy Island can be permitted

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.Inclosures in
No. 21.

mitted to find their way to their respective homes in Canada unmolested, and to be enabled to say that the delusion under which they have acted will be pardoned.

Were I permitted to say something positive in this relation from the authorities in Canada, to the misguided minds of many of my fellow-citizens, both on the island and on this frontier, it does appear to me that I should thereby be enabled more peaceably to attain the object for which I have been sent here; namely, to recover the state military property clandestinely abstracted from various depôts.

It appears to me that the feverish scruples and agitations now existing would be softened thereby, and the object of suppressing the designs of the insidiously inclined be left without an argument for their insane practices.

With all deference and respect I submit this proposition to your most favourable and honourable construction, as it emanates from the most sincere desire on my part to attain the object of my mission in the most peaceable manner.

I have, &c.
(signed) Henry Arctularius,
Commissary-General Military Stores, S. N. Y.

(No. 21.)

AMERICAN CITIZENS?

Will you listen to the voice of reason, and the obligations of duty? Will you respect the laws of your country? That every true patriot, every friend of our own free and happy Republic, who desires and prays for the continuance of those inestimable blessings, which flow from our own free and liberal institutions will do so, cannot be doubted.

You are forbidden by the laws of your own country to arm yourselves for war against a nation with whom your country is at peace. And I am directed by the public authorities to arrest every man who shall violate this law. A sense of duty, and the oath which I have taken to obey this direction, impel me to its performance.

I call therefore upon you, by your own sense of duty and obligation, as you value the interests of your own country, and as you revere the laws of your own choice and adoption, that you pause before you violate those laws, and subject yourselves to the high penalties by which those laws are sanctioned.

I am on the ground with my officers at this place, for the purpose of testing the efficiency of the laws, with a fixed and determinate resolution to arrest every man who shall violate them; and I call upon all good citizens to aid me in the performance of this duty.

Fort Schloßer, January 4th, 1838.

(signed) N. Garrow,
U. S. Marshal, N. D. N. Y.

(No. 22.)

Head Quarters, Chippewa, 4th January 1838.

Sir,
I HAVE the honour to acknowledge the receipt of your letter of this day, enclosing a proclamation issued by N. Garrow, Esq., United States Marshal for the northern district of New York.

It is with great satisfaction that I have received this further proof of your sincere desire to prevent the continuance of the illegal proceedings pursued by a great number of the citizens of New York in arming themselves to invade this province.

My object in attacking Navy Island is, not to obtain possession of the persons either of American or of Canadian subjects, but simply to recover for Her Britannic Majesty by force of arms, a portion of the British empire, upon which an American citizen, styling himself R. Van Rensselaer, general commanding, with others, have, in violation of the laws of nations, presumed to constitute for Upper Canada a provisional government, which promises to parcel out to its adherents the most fertile lands in this province.

Those, therefore, who may think proper at once to depart from Her Majesty's island, are at full liberty to do so; and even when I attack it, any who may lay down their arms shall receive from me no personal injury, but will be made prisoners to answer for their conduct to the laws of this province.

I have, &c.
(signed) Allan N. M. Nab,
Colonel commanding Her Majesty's Forces
on the Niagara Frontier.

Commissary-general Henry Arctularius,
&c. &c. &c.

(No. 23.)

Head Quarters, Chippewa, Jan. 7, 1838.

Sir,
I HAVE the honour to enclose, for the information of his Excellency the Lieut.-governor, copies of communications which I yesterday received from Commissary-general Arctularius. I also enclose a copy of a printed letter from Judge M'Lean of Buffalo, in order that His Excellency may be in full possession of everything that has transpired here.

After a careful perusal of the whole, I would respectfully call the attention of his Excellency to the situation in which the forces under my command are placed.

I have, &c.
(signed) Allan N. M. Nab,
Colonel commanding

Lieut.-Col. Strachan, Military Secretary.

To Colon

Sir,
ENCLOSURE
you may take
From the
sedulously
moderate m
and all wit
For your
ciations, I
I can as
encamped o

To F

Sir,
WHEN I
sion of ordi
vate individu
might be acc
Since then
but my voca
to whom we
Since I ha
consulted the
tain whether
York the earl
sary steps to
with you again

Copy of a
A. N. M. Nab

Copy of a
of Cavalry, to

SPECIAL M

To the
I RECEIVED
renew which I h
The territory
armed force fro
By the docum
boat Caroline, o
within the light
seized by a pa
the Canadian sh
were suddenly at
one-third of the
had been secure
rent carried over
missing; and th
upon it, or peria
one was killed o

357

AFFAIRS OF LOWER CANADA, &c.

95

UPPER
CANADA.

(No. 24.)

To Colonel *Allen N. McNab*, commanding Her Majesty's Forces on the Niagara Frontier.

State of New York, Niagara Falls,
5 January 1838.

No. 21.
Sir F. B. Head to
Lord Glenelg,
10 January 1838

Enclosures in
No. 21.

Sir,
ENCLOSED I send you a copy of a letter received this morning from Van Rensselaer, that you may the better appreciate the embarrassing situation in which I am placed.
From the first moment after my arrival on this frontier, down to the present time, I have sedulously endeavoured to accomplish the purposes of my mission by every pacific, mild and moderate measure which my own or the ingenuity and wisdom of my advisers could suggest, and all without the slightest success.

For your kind and generous forbearance and courtesy during the pendency of our negotiations, I tender you my grateful acknowledgments.
I can ask for nothing more at your hands, and if the poor deluded beings who have encamped on Navy Island are slain, their blood be upon their own head, not mine.

I have, &c.
(signed) *Henry Arcularius*,
Commissary-general.

(No. 25.)

To *Henry Arcularius*, Esq., Commissary-general of the State of New York.

Head Quarters, Navy Island,
4 January 1838.

Sir,
WHEN I accepted the command of the forces now on this island, I found them in possession of ordnance and arms, some of which I believe were considered as donations from private individuals, others as loans to be returned whenever the object which called us together might be accomplished.

Since then many additions have been made upon the same terms, as I understand it; but my vocations have been so manifold, it has not been in my power to know in all cases to whom we are obliged for the articles in question.

Since I had the honour to receive your communication of the 2d instant, however, I have consulted the Provisionary Government, and am to make the necessary inquiries to ascertain whether any of the property on the island belongs to the people of the State of New York the earliest leisure opportunity, and if such shall be the case, I am to take the necessary steps to put them in a position where they may be reclaimed, when I shall communicate with you again.

I have, &c.
(signed) *Renss. Van Rensselaer*,
Commanding, &c.

(No. 26.)

Copy of a Letter from the Hon. *John Elmley*, Lieutenant R. N., to the Hon. Colonel *A. N. McNab*; dated Chippewa, 29 Dec. 1837, 8 A. M. (Vide p. 2.)

Copy of a Letter from *W. Lockwood*, Esq., First Lieutenant of the St. Catharine's Troop of Cavalry, to the Hon. Colonel *McNab*, &c.; dated Chippewa, 29 Dec. 1837. (Vide p. 2.)

(No. 27.)

SPECIAL MESSAGE from the Governor of New York to the Legislature of that State.

To the Legislature:

I RECEIVED last evening, after my annual message was prepared, information of an occurrence which I hasten to communicate to you.

The territory of this State has been invaded, and some of our citizens murdered, by an armed force from the Province of Upper Canada.

By the documents accompanying this communication, it will be perceived that the steam-boat *Caroline*, owned by one of our citizens, while lying at Schlosser, on the Niagara River, within the limits of this State, on the night of the 29th December last, was forcibly seized by a party of 70 or 80 armed men in boats, which came from and returned to the Canadian shore. The crew and other persons in this steam-boat, amounting to 33, were suddenly attacked at midnight, after they had retired to repose, and probably more than one-third of them wantonly massacred. The boat was detached from the wharf to which it had been secured, set on fire, taken into the middle of the river, and by the force of its current carried over the Niagara Falls. Twelve of the persons who were on board of it are missing; and there is ground to fear that they were killed by the invaders in their attack upon it, or perished in its descent over the cataract. Of those who escaped from the boat one was killed on the wharf, and several others wounded.

357.

N 4

I am

UPPER
CANADA.No. 21.
Sir F. B. Head to
Lord Glenelg,
10 January 1838.Enclosures in
No. 21.

I am warranted in assuring you, that the authorities, not only of this State, but of the United States, have felt an anxious solicitude to maintain the relations of peace and strict neutrality with the British provinces of Upper and Lower Canada at all times since the commencement of the civil disturbances therein, and have in all respects done what was incumbent upon them to do to sustain these relations. The occurrence to which I alluded is an outrage that has not been provoked by any act done, or duty neglected, by the Government of this State or of the Union. If it should appear that this boat was intended to be used for the purpose of keeping up an intercourse between this State and Navy Island, which is now held by an assemblage of persons in defiance of the Canadian Government, this circumstance would furnish no justification for the hostile invasion of our territory, and the destruction of the lives of our citizens.

The general government is entrusted with the maintenance of our foreign relations, and will undoubtedly take the necessary steps to redress the wrong and sustain the honour of the country.

Though I have received no official information of the fact, I have good reason to believe that the local authorities of this State have taken prompt and efficient means, not only to protect our own soil from further invasion, but to repress any retaliative measures of aggression which our citizens, under the impulse of deeply-excited and indignant feelings, might rashly resolve to adopt. The patriotic militia in the vicinity of the scene of the outrage have obeyed, with alacrity, the call which has been made upon them for those purposes.

It will probably be necessary for this State to keep up a military force, for the protection of our citizens, and the maintenance of peace, until an opportunity is given to the general government to interpose with its power. In that event I apprehend that it will be necessary for you to provide, by law, for the payment and maintenance of forces, as the occasion may require.

I shall doubtless receive, within a short time, official information of what the local authorities have done, and shall be better enabled to form an opinion of what will be necessary, on the part of this State, to preserve our rights and the public tranquillity.

I shall then communicate further with you on the subject, and suggest such matters, in relation to it, as may require your consideration.

Albany, 2 January 1838.

W. L. Marcy.

(No. 28.)

Sir,
Your Excellency has doubtless received intelligence, though not of an authentic character, of an insurrectionary movement which, within the last few days, has been made in this province, and which the loyal feeling of the great mass of Her Majesty's subjects has enabled me promptly to suppress. Though an occurrence of this particular nature in a country immediately adjoining the state under your Excellency's Government must naturally excite a considerable degree of interest, I might not have felt myself called upon to communicate with your Excellency upon the subject, if I had not received an official report from the magistracy of the district of Niagara that efforts are made, by calling public meetings in Buffalo, to procure countenance and support among the inhabitants of that city to the efforts of the disaffected in Upper Canada.

I am perfectly persuaded that, under any circumstances, the public authorities in the United States would exert themselves to strengthen rather than to disturb the kind feeling which has for so many years united the natives of Great Britain and the United States in the most amicable relations; and when I acquaint your Excellency, that the armed party of traitors, which are now dispersed, during the few days that they remained embodied, were guilty of such unprovoked and wanton acts of murder, arson, and robbery, as disgusted their adherents, and occasioned their rapid desertion, I feel no doubt, that whatever may be justly done by the Government of one friendly and enlightened nation towards restraining its subjects from disturbing the peace and injuring the unoffending inhabitants of another, may confidently be expected from your Excellency.

It is fit I should apprise your Excellency, that there is not at this moment, to my knowledge, within the whole extent of Upper Canada, a single body of men assembled with arms, or otherwise, in opposition to the Government. Before the 5th December there had been about 500 or 600 men hastily got together, at the instigation of a Mr. Mackenzie, the editor of a seditious newspaper here; but these have been wholly dispersed, and their leader, we understand, is now in Buffalo, endeavouring to excite there a support which he fails to meet with in this province.

I have, &c.
(signed) F. B. Head.To his Excellency Governor Marcy,
State of New York, Albany.

(No 29.)

His Excellency Sir Francis B. Head, Lieutenant-Governor, &c. &c.

State of New York, Executive Department,
Albany, 21 December 1837.

Sir,
I HAVE received your communication, dated 16 December, giving me information of the movements of certain persons at Buffalo, or its vicinity, having relation to the disturbances in Her Britannic Majesty's Province of Upper Canada. You are aware, I presume, that the

the f
relati
oper
York
the a
count
your
mar
cause
presen
purpo

Wh
near th
prevail
be app
wherea
lation o
of Great
assemb
ceeding
of the
offender
from all
hereby
have be
fraction
ment to
States.

By the C

Corp of
Govern
Washing

Sir,
It is m
of this pr
a large be
themselves
tory of U
Your E
insurrecti
is now ef
lately ma
mieres o
excite the
attempts v
unaided by
rash and c
principal
succeeded
York. It
symptoms

537.

AFFAIRS OF LOWER CANADA, &c.

97

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

the federal Government is solely intrusted with the maintenance of our foreign and exterior relations, and there is very little that the State governments can do on the subject but co-operate with it in sustaining its character of neutrality. This, I, as chief magistrate of New York, shall most cheerfully do. Before your communication was received I had prepared the accompanying proclamation, which has since been issued to the sheriffs of the frontier counties, with directions to give it general publicity. I was also apprised, before I received your letter, that the general government were acting with rigour on the subject, and that the marshal of the western district of New York had been ordered to repair to Buffalo, and that the cause such persons as were guilty of violating the laws of the United States, enacted to preserve its relations of amity and neutrality with foreign powers, to be arrested, for the purpose of being brought to punishment.

I have, &c.

(signed) W. L. Marcy.

(No. 30.)

PROCLAMATION.

By William L. Marcy, Governor of the State of New York.

WHEREAS information has been received, that an armed body of men assembled at or near the city of Buffalo, with the avowed intention of taking part in the disturbances which prevail in the neighbouring province of Upper Canada, and that similar movements are to be apprehended in other parts of the State adjoining the province of Lower Canada; and whereas, any attempt to set on foot such military expeditions or enterprises is in direct violation of the laws of the land, and of the relations of amity subsisting between the Kingdom of Great Britain and the United States: I do hereby call upon the persons who may be assembled, or who may design to assemble as aforesaid, to desist from their unlawful proceedings, and upon the citizens of this State to co-operate with the officers and magistrates of the United States in their efforts to suppress all such violations of law, and to bring the offenders to punishment. I do also enjoin upon the good people of this State to abstain from all illegal interference with the domestic concerns of the said provinces: and they are hereby cautioned not to allow their feelings of sympathy for those, who, for political causes, have fled from other countries and taken refuge in our own, to mislead them into any infraction of the laws, or of those principles of neutrality which it is the duty of the government to maintain, in relation to the dissensions, whether external or domestic, of foreign States.

[L. S.]

Given under my hand and the great seal of the State, at Albany, this
19th day of December 1837.

By the Governor.

(signed) John A. Dix, Secretary of State.

(signed) W. L. Marcy.

(No. 31.)

COPY of a DESPATCH from His Excellency Sir Francis B. Head, Bart., Lieutenant-Governor of Upper Canada, to His Excellency Henry S. Fox, Her Majesty's Minister at Washington.

Sir,

Government House, Toronto, 23 December 1837.

It is my duty to lose no time in apprising your Excellency that the peace and security of this province are at this moment threatened, and that its territory is actually invaded by a large band of American citizens from Buffalo, who have taken up arms, and established themselves in a hostile manner on Navy Island, in the Niagara River, and within the territory of Upper Canada.

Your Excellency has no doubt learned from the public papers, that in consequence of the insurrection unhappily commenced in Lower Canada, but which, I have reason to believe, is now effectually suppressed, an attempt, as rash and hopeless as it was wicked, was lately made by 300 or 400 persons in this vicinity to involve this province also in the miseries of a civil war. In concert with this movement, an endeavour was also made to excite the people in another district to take up arms against the Government. Both these attempts were promptly and effectually suppressed by the loyal militia of this province, unaided by any military force. Most of the deluded persons who were engaged in these rash and criminal enterprises have surrendered themselves when taken prisoners; but the principal leader, William Lyon Mackenzie, and some of the most active of his followers, succeeded, with great difficulty, in making their escape to the adjoining State of New York. It was soon reported to me that at Buffalo, to which place these traitors fled, strong symptoms were shown, by numbers of American citizens, of an inclination to aid them with

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

98

CORRESPONDENCE RELATIVE TO THE

men and arms, and to supply them with other necessities, in order to enable them to make a hostile invasion of this province.

That the public authorities in Buffalo, and the more respectable of the inhabitants, would discountenance such proceedings, I had no doubt, and their conduct since has justified that expectation; but as it was doubtful how far they might be able promptly to control this ebullition of hostile feeling towards a nation with which the United States held the strictest relations of amity and peace, I immediately addressed an official letter to his Excellency Governor Marcy, at Albany, of which a copy is herewith sent. No reply to this has yet reached me; nor do I know what steps, if any, have been taken on the part of the American Government, at Buffalo, to repress this hostile rising of their people.

Since that letter was written, Mackenzie has been joined by some hundreds of American citizens from Buffalo and the adjacent villages, and have established themselves on Navy Island, as I have before mentioned, with artillery and arms procured in the United States.

The paper printed at Buffalo, which I send you, will show the spirit in which this movement is urged forward.

I am, of course, taking all possible measures to repel invasion and insult, and I believe that in a few days a considerable military force will be at hand to sustain our gallant militia in this extraordinary and unlooked-for conflict. I need not remark to your Excellency how unfair and unjust it is, that a rebellion which, within this province, was so insignificant, that it was instantly crushed by the civil inhabitants of the colony, should be revived and rendered formidable by the direct and active management of the American people; and that during the existence, not only of peace, but of the most friendly relations between Great Britain and the government of the United States, the peaceful population of this province should be threatened with devastation and plunder, and all the miseries of civil war, by the unjustifiable interference of American citizens.

Though inhabiting a remote portion of the British dominions, the people of Upper Canada feel that they may rest assured of being ultimately protected by the whole force of the empire, if it be necessary: they are conscious also, that they deserve kinder offices at the hands of the American people; and I appeal to you, in their name, and as the representative of their Sovereign, to urge upon the government of the United States the immediate exertion of military force to suppress a movement of their people so insulting to and injurious to a neighbouring nation; and which, whatever temporary calamity it may inflict, must inevitably, unless promptly checked, lead to a violent war. Any wrongs which may be committed against the people of this colony, will, under the protection of a just Providence, be amply redressed.

I beg your Excellency will not fail to assure the American government of my sincere conviction that the facts of which I complain will certainly meet with their most unqualified reprobation.

I have, &c.

(signed) F. B. Head.

(No. 32.)

Sir,

Head Quarters, Chippewa, 10 January 1838.

I HAVE the honour to enclose you herewith copies of reports furnished to me by officers under my command, in relation to the manner in which the militia and citizens of the United States preserved that neutrality which you called upon them to observe between British subjects and the rebels and pirates assembled upon Navy Island.

The outrage committed by the militia of the United States, stationed upon Grand Island, upon Lieutenant Elmaley, of the Royal Navy, and the boat's crew under his command, is of such a character as calls for immediate investigation by the authorities of the United States; and I trust from the disposition you have heretofore manifested to maintain inviolate the existing treaties between Great Britain and the United States, that you will immediately investigate this serious charge, and I beg to request that you will be pleased to communicate the result of your investigation to me with the least possible delay.

You must, I am sure, feel the necessity of withdrawing from Grand Island the militia placed there, and who have been guilty of so wanton and wicked an attempt to take the lives of unoffending persons, and of placing men in their stead upon whose honour and discretion reliance can be placed.

I have, &c.

(signed) Allan N. McNab,

General Arcularius,
or Officer in command of the United States Militia Force,
Niagara Frontier.

Colonel Commanding.

Sir
I ha
at two
mand,
On a
the cur
Upon
above t
around
examin
ashore.
not land
I then
ordered
the men
which I
batteries
I have
commen
between

Captain

District
of Jar
passed to
saw 11 w
drivers, w
teers, to j
then on the
maid party
and believe
heard that
a schooner,
that a stea
shore, and
would imm
chester on
moment it
him by cert
person in
prison; this
as "Patriot
language re
the people p
was the curr
Rensselaer,
some days b
shore, during
heard from t
the citizens
ing and assie

Sworn
this

AFFAIRS OF LOWER CANADA, &c.

99

UPPER
CANADA.

No. 21.

Sir F. B. Head to
Lord Glenelg,
10 January 1838.

Enclosures in
No. 21.

(No. 33.)

Sir,

H. M. Schooner Queen, off Navy Island, 10 January 1838.

I HAVE the honour to report to you, that in obedience to your commands, I proceeded at two o'clock P. M. this day, in two of the boats of Her Majesty's schooner under my command, unarmed, to examine the channel between Grand Island and Navy Island.

On arriving within 200 yards of the American shore, I laid upon my oars, and allowed the current to drift the boats down, heaving the lead now and then.

Upon arriving opposite to the American flag hoisted upon Grand Island, about one mile above the south point of Navy Island, I was hailed by some officers in uniform, who had around them about 20 men; they demanded what we were about; I told them that we were examining the channel between the two islands, whereupon they desired us to come ashore. I told them that our only orders were to examine the channel, and that we could not land.

I then perceived that they were preparing to fire upon us, and without loss of time I ordered my men to give way; this instantly brought upon us a discharge of fire-arms from the men assembled on the bank: one of the balls struck the rudder-head of the boat in which I was, and they continued to fire at both boats until we were out of their reach. The batteries on Navy Island also fired on us.

I have also the honour to inform you, that from the position in which we were at the commencement of the firing, I could plainly see the houses on the American main land, between the two islands.

I have, &c.

(signed) J. Elmsley,
Lieut. R. N. Commanding.

Captain Drew, R. N.

(No. 34.)

District of Niagara, } THOMAS MOREY, of the township of Stamford, in the district of
to wit. } Niagara, innkeeper, maketh oath and saith, that on Sunday the 7th
day of January instant, he, this deponent, crossed the ferry to the American shore, and
passed to the village of Manchester, in the State of New York; that while at the inn he
saw 11 waggons draw up, in which waggons were upwards of 60 persons, besides the
drivers, who, it was currently reported, had come from Lockport and Rochester as volun-
teers, to join the force on Navy Island; that he heard some of them say that they were
then on their way to Navy Island, and hurra'd for Van Rensselaer and Mackenzie; that the
said party left Manchester almost immediately, and proceeded, as it was generally supposed
and believed, to join the said Van Rensselaer; this deponent further saith, that he
heard that Van Rensselaer and Mackenzie had both been at Manchester that day, and that
a schooner, laden with flour and pikes, was on the way from Buffalo to Navy Island; and
that a steam-boat was also to come down to ply between Navy Island and the American
shore, and that if the said boat was fired upon by the British forces, they (the Americans)
would immediately proceed to hostilities; this deponent further saith, that he went to Man-
chester on his own private business; that upon his arrival at the inn at Manchester, the
moment it was known that he was from Canada, very abusive language was used towards
him by certain inhabitants of Manchester, accusing him of being a spy, and an officer, or
person in military apparel, declared that he ought to be arrested and sent to the States
as "Patriot Parsons," was in the house where this deponent was, and used most violent
language respecting the government of Canada, and appeared to be exciting the minds of
the people present against the inhabitants of Canada; this deponent further saith, that it
was the current report that American citizens were enlisting in the service of General Van
Rensselaer, who is an American citizen, and that from 50 to 100 men had joined daily for
some days back, also that three pieces of cannon had gone to the Island from the American
shore, during the past week; and this deponent further saith, that from what he saw and
heard from the people of Manchester, that not only they (the people of Manchester,) but
the citizens of various towns and villages of the State of New York, are openly aiding, abett-
ing and assisting the rebels on Navy Island; and further the deponent saith not.

(signed) Thomas Morey.

Sworn before me, at Stamford, in the district of Niagara,
this 9th January 1838.

(signed) John Powell,
A Commissioner for taking Affidavits in the King's Bench.

— No. 22. —

No. 22.
Sir F. B. Head to
Lord Glenelg,
13 January 1838.

COPY of a DESPATCH from Lieutenant-Governor Sir F. B. Head, Bart., to
Lord Glenelg.

My Lord, Government House, Toronto, 13 January 1838.
I HAVE the honour herewith to transmit to your Lordship an address of condolence to The Queen from Her Majesty's dutiful and loyal subjects the Commons of Upper Canada in Provincial Parliament assembled, to be laid at the foot of the Throne.

I have, &c.
(signed) F. B. Head.

Enclosure in No. 22.

To The QUEEN'S most Excellent MAJESTY.

Most Gracious Sovereign,

Encl. in No. 22.

WE your Majesty's dutiful and loyal subjects the Commons of Upper Canada in provincial parliament assembled, most humbly address your Majesty, condoling with your Majesty on the loss which the empire has sustained by the demise of his late Majesty King William the Fourth, of blessed memory, assuring your Majesty that this house, representing as it does the free voice of the people of Upper Canada, mourns over the heavy affliction with which it has pleased an all-wise Providence to visit the glorious empire, of which the people of this province are proud to form a part, by the removal from this transitory life of a sovereign, the recollection of whose private and public benevolence and magnanimity will remain for ages yet to come embalmed in the recollection of your Majesty's Canadian subjects.

That while this house condole with your Majesty, and sympathizes with all classes of your Majesty's faithful people on the melancholy bereavement with which the empire has been afflicted, it is nevertheless consoled in its sorrows by having the British sceptre descend to a young and amiable sovereign, whose virtues and education afford the fullest assurance to her people that her reign will be characterized by a firm adherence to those principles of religious and civil liberty which called her illustrious family to the throne, and which for ages has distinguished the sovereigns of Great Britain.

And we do further assure your Majesty, that with no class of your Majesty's subjects has your Majesty's accession to the throne of your ancestors been hailed with more joy and satisfaction than by the people of Upper Canada; and that your Majesty may rest assured that this house, as their peculiar and constitutional representative and organ, will not fail to impress upon them a steady adherence to those religious and loyal principles, which, in every hour of adversity or emergency, has never failed to distinguish your Majesty's faithful Canadian subjects.

Commons House of Assembly,

day of January 1838.

— No. 23. —

COPY of a DESPATCH from Lieutenant-Governor Sir F. B. Head, Bart., to
Lord Glenelg.

No. 23.
Sir F. B. Head to
Lord Glenelg,
16 January 1838.

My Lord,

Niagara, 16 January 1838.

I HAVE great pleasure in communicating to your Lordship that the pirates have been driven from Navy Island, which is now in possession of Her Majesty's forces on this frontier.

I have also the satisfaction to state, that the gallant militia of Upper Canada have also driven the pirates who had taken possession of Bois Blanc Island from that position, and in a most gallant manner have captured a schooner off Malden, which is on the St. Clair River, about 16 miles below Amherstburg.

As this vessel contained three pieces of artillery, 200 stand of arms, and most of the principal officers of the pirate force, her loss will discourage them; and finding that at both ends of the province they have been discomfited by its brave inhabitants, I trust they will find it necessary to abandon the infamous attempt which has been made by citizens of the United States to plunder the property and overturn the institutions of a province with which they were politically existing in friendly alliance.

I have, &c.
(signed) F. B. Head.

Co
I
con
and

The
provin
militar
has as
commen
the off
no exp
upon w
The
that ha
points
tender
of the
province
His re
the Leg
has bee
Upper C
Under
governor
ing arriv
army wi
province.
Gov

To His
Hanover
Governor

May
We, H
in provin
for commu
regulations
in defence
stration of
If your
suaded tha
military co
and experie
which are r
always to b
We beg
ment of this
known to us
from those o
resignation;
condition be
we feel that
of gratitude
became the r
Excellency h
It is this
357.

AFAIRS OF LOWER CANADA, &c.

101

— No. 24. —

UPPER
CANADA.

(No. 8.)

COPY of a DESPATCH from Lieut.-Governor Sir F. B. Head to Lord Glenelg.

My Lord,
I HAVE the honour to transmit to your Lordship a Gazette Extraordinary, containing copies of communications between the two branches of this legislature and myself, relating to my resignation of the office I have the honour to hold.

I have, &c.
(signed) F. B. Head.

No. 24.
Sir F. B. Head to
Lord Glenelg.
22 January 1838.

Enclosure in No. 24.

UPPER CANADA GAZETTE EXTRAORDINARY.

F. B. Head.

Toronto, Monday, 22 January 1838.

THE Lieutenant-governor informs the Legislative Council, that in consequence of this province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-general at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed, unless sanctioned by the authority of the military commander, upon whom the protection of the province has thus necessarily devolved.

The Lieutenant-governor takes this opportunity to communicate to the Legislative Council, that having had the misfortune to differ from Her Majesty's Government on one or two points of colonial policy, he felt it his duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies, the resignation of the important station which for a short time he has had the honour to hold in this province.

His resignation having been graciously accepted, the Lieutenant-governor has to inform the Legislative Council, that he yesterday received official information that Her Majesty has been pleased to appoint Colonel Sir George Arthur to be Lieutenant-governor of Upper Canada, and that his Excellency may be expected to arrive here in a few days. Under the peculiar circumstances in which the province is at present placed, the Lieutenant-governor feels confident, that the Legislative Council will rejoice with him at the approaching arrival of an officer of high character and considerable experience, whose rank in the army will enable him to combine the military command with the civil government of this province.

Government House, 15 January 1838.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in provincial Parliament assembled, beg to return our respectful thanks to your Excellency for communicating to us the fact, which is at this crisis particularly important, that by the regulations of Her Majesty's service the command of the troops, and of the militia employed in defence of this province, cannot be united in your Excellency's person with the administration of the civil government.

If your Excellency were to continue to represent Her Majesty in this colony, we are persuaded that, under present circumstances, such a separation of the civil power from the military command would be likely to lead to very unfortunate results, since military rank and experience, although they are by no means incompatible with the peculiar qualifications which are requisite to give confidence, animation and effect to the military force, are not always to be found united with them.

We beg to assure your Excellency that we learn with extreme regret that the civil government of this province is to continue for so short a time in your Excellency's charge. It is not known to us upon what particular points your Excellency's views have differed so essentially from those of Her Majesty's Government that your Excellency was induced to tender your resignation; but we know, that at no period in the history of Upper Canada has its political condition been such as ought to be more satisfactory to the Ministers of the Crown; and we feel that not Upper Canada only, but the Empire, owes to your Excellency a large debt of gratitude for your firm and manly avowal, upon all occasions, of those sentiments which became the representative of a British Monarch, and for the unwavering support which your Excellency has never failed to give to the established principles of the constitution. It is this fearless adherence to right principles, rather than to expediency, which has enabled

UPPER
CANADA.

No. 24.

Enclosure in
Sir F. B. Head's
Despatch,
22 January 1838.

enabled your Excellency to rally round the Government, in a moment of danger, the arms of an united people, and to exhibit this province to our Sovereign, and to the world, in a posture which must command for its brave and loyal inhabitants the highest admiration and respect.

If the result of your Excellency's firm and uncompromising policy shall impress upon Her Majesty's Government the conviction that they need not fear to support in Upper Canada the principles of the British constitution, it will have produced an effect of infinite value to this colony, and will have supplied what we believe has been chiefly wanting to insure its permanent tranquillity.

But the Legislative Council cannot refrain from expressing the regret with which they have observed, in the case of your Excellency, and of your respected and gallant predecessor, that your connexion with the government of this colony has seemed incapable of being protracted, with satisfaction to yourselves, beyond the period when it became evident that no submission would be made by you to a spirit of factious discontent, which nothing can appease but the destruction of British rule.

We beg your Excellency to believe, that the Legislative Council will ever entertain a grateful recollection of the justice and condescension which they have always had occasion to acknowledge in their intercourse with your Excellency; and that they participate deeply in the feeling of general regret at your Excellency's approaching departure from this province.

Legislative Council Chamber,
17 January 1838.

John B. Robinson, Speaker.

F. B. Head.

THE Lieutenant-governor informs the House of Assembly, that in consequence of this province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-general at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed, unless sanctioned by the authority of the military commander, upon whom the protection of the province has thus necessarily devolved.

The Lieutenant-governor takes this opportunity to communicate to the House of Assembly, that having had the misfortune to differ from Her Majesty's Government on one or two points of colonial policy, he felt it his duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies, the resignation of the important station which for a short time he has had the honour to hold in this province.

His resignation having been graciously accepted, the Lieutenant-governor has to inform the House of Assembly, that he yesterday received official information that Her Majesty has been pleased to appoint Colonel Sir George Arthur to be Lieutenant-governor of Upper Canada, and that his Excellency may be expected to arrive here in a few days.

Under the peculiar circumstances in which the province is at present placed, the Lieutenant-governor feels confident, that the House of Assembly will rejoice with him at the approaching arrival of an officer of high character and considerable experience, whose rank in the army will enable him to combine the military command with the civil government of this province.

Government House, 15 January 1838.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Commons House of Assembly, in provincial Parliament assembled, humbly thank your Excellency for your Excellency's message of the 15th instant, communicating to this House, that "in consequence of this province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-general at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed, unless sanctioned by the authority of the military commander, upon whom the protection of the province has thus necessarily devolved."

In reference to this subject, we can only express our earnest hope that this regulation, which the rules of the service appear to have rendered necessary, may in no respect impair the efficiency of the operations hitherto planned and directed by your Excellency, with so much success for the preservation and defence of the province against the attack of foreign and domestic enemies.

We are further informed by your Excellency, that having had the misfortune to differ from Her Majesty's Government on one or two points of colonial policy, your Excellency felt it your duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies, the resignation of the important station which

for a
Exce
lection
univer
firm
afford
merely
Sovere
diction
the dis
admini
If y
Queen
what o
tive in
exercis
Her rep
selves i
which,
tically,
now tru
injustice
British
this Hou
to expre
and imp
In the
the prov
of the m
be easily
rest with
ability, j
ment of
affairs, w
earnest h
the claim
gracious C

Common

To His Ex
verian C
Governm

May i
We, He
in provinci
transmit to
Right Hon
resignation
your Excell
the same m

Legislativ
19

Honour
It would
ing to its reg
of State for
but after deli
these docume
considered as
So long as
justified in d
policy.

Government

for a short time your Excellency has had the honour to hold in this province, and that your
Excellency's resignation had been graciously accepted. When this House recalls to recol-
lection the events of your Excellency's administration of the affairs of this province—the
universal respect and confidence with which you are regarded, arising from your Excellency's
firm and uncompromising adherence to the principles of the constitution, and which has
afforded to the inhabitants of this colony various opportunities of proving, and which has
merely, but by acts the most convincing and undeniable, their firm unshaken loyalty to their
Sovereign, and their desire to maintain their connexion with the parent state, in contrar-
diction to assertions and insinuations of a contrary tendency, we cannot but view with alarm
the disclosure now made, that your Excellency has felt yourself called upon to resign the
administration of the Government on the grounds stated in your Excellency's Message.

If your Excellency's measures and policy have not given satisfaction to our gracious
Queen, we are driven to inquire, in the most humble and respectful but solemn manner,
what course of policy it is that is expected by Her Majesty from Her Majesty's representa-
tives in this province? Deeply impressed with the duty of submission to the constitutional
exercise of the Royal prerogative, we do not question the right of the Sovereign to select
Her representatives in this or any other colony of the Empire, but we nevertheless feel our-
selves impelled by a sense of duty, suggested by a desire to maintain our allegiance, (and
which, on our part, can never be laid aside or forgotten,) humbly, but earnestly and empha-
tically, to declare, that if anything be calculated to shake the attachment of Her Majesty's
now truly loyal and devoted subjects to Her Royal Person and Government, it is by acts of
injustice, or the manifestation of ungenerous distrust towards servants, who have served the
British nation so faithfully and nobly as your Excellency has done. It will be the duty of
this House, before the close of the present session, and when more fully informed of facts,
to express more at large the feelings and opinions they entertain on this painfully interesting
and important subject.

In the meantime, we beg to assure your Excellency that this House, and the people of
the province, will regard your Excellency's relinquishment of its government as a calamity
of the most serious nature, and which may result in difficulties and dissensions that cannot
be easily repaired or reconciled. We however are fully persuaded, that the blame cannot
rest with your Excellency; and while we sincerely and most willingly acknowledge the zeal,
ability, justice, and honourable disinterestedness with which you have conducted the govern-
ment of this province during your short but eventful and arduous administration of its
affairs, we beg respectfully and affectionately to express, on behalf of this province, our
earnest hope that your Excellency's prosperity in future life may be commensurate with
the claims, deep and lasting as they are, upon our gratitude, the approbation of our
gracious Queen, and the applause and acknowledgment of the British nation.

Commons House of Assembly,
16 January 1838.

H. Ruttan, Speaker.

To His Excellency Sir Francis Bond Head, Bart., Knight Commander of the Royal Hano-
verian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-
Governor of the Province of Upper Canada, &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada,
in provincial Parliament assembled, humbly pray that your Excellency will be pleased to
transmit to this House copies of so much of your Excellency's correspondence with the
Right Honourable the Secretary of State for the Colonies as relates to your Excellency's
resignation of the government of this province, embracing the matter of policy upon which
your Excellency had the misfortune to differ from Her Majesty's Government, so far as
the same may, in your Excellency's opinion, be with propriety communicated.

Legislative Council Chamber,
19 January 1838.

John B. Robinson, Speaker.

HIS EXCELLENCY'S REPLY.

Honourable Gentlemen,

It would afford me the greatest satisfaction to transmit to the Legislative Council, accord-
ing to its request, so much of my correspondence with the Right Honourable the Secretary
of State for the Colonies, as relates to my resignation of the government of this province;
but after deliberate consideration I have come to the conclusion, that the publication of
these documents might, under existing circumstances, embarrass my successor, and might be
considered as a violation of official confidence.

So long as I remain in the service of Her Majesty's Government, I do not consider myself
justified in defending my own conduct, by any vindication that may embarrass their
policy.

Government House, 22 January 1838.

UPPER
CANADA.

No. 24.

Enclosure in
Sir F. B. Head's
Despatch,
22 January 1838.

To His Excellency Sir *Francis Bond Head*, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial Parliament assembled, humbly request that your Excellency will be pleased to lay before this House the correspondence between Her Majesty's Government and your Excellency, which induced your Excellency to tender your resignation of the government of this province; and also any subsequent correspondence between Her Majesty's Government and your Excellency, on the same subject.

H. Ruttan, Speaker.

Commons House of Assembly,
18 January 1838.

HIS EXCELLENCY'S REPLY.

Gentlemen,

NOTHING, at this moment, would be so gratifying to my feelings, as to lay before the House of Assembly the correspondence between Her Majesty's Government and myself, which induced me to tender my resignation of the government of this province; but after deliberate consideration I have come to the conclusion, that the publication of these documents might, under existing circumstances, embarrass my successor, and might be considered as a violation of official confidence.

So long as I remain in the service of Her Majesty's Government, I do not consider myself justified in defending my own conduct, by any vindication that may embarrass their policy.

Government House, 22 January 1838.

— No. 25. —

(No. 13.)

No. 25.

Sir F. B. Head to
Lord Glenelg,
7 February 1838.
Toronto,
30 January 1838.

COPY of a DESPATCH from Lieut.-Governor Sir *F. B. Head* to Lord *Glenelg*.

Toronto, 7 February 1838.

My Lord,
I HAVE the honour to transmit to your Lordship a printed copy of a second Despatch, which I have deemed it necessary to address to his Excellency *Henry S. Fox, Esq.*, at Washington, on the subject of the destruction of the *Caroline* steam-boat.

I have, &c.

(signed) *F. B. Head*.

Enclosures in No. 25.

(No. 1.)

Enclosures in
Sir F. B. Head's
Despatch,
7 February 1838.

COPY of a DESPATCH from His Excellency Sir *Francis B. Head*, Bart., Lieutenant-Governor of Upper Canada, to His Excellency *Henry S. Fox, Esq.*, Her Majesty's Minister at Washington.

Sir,

Government-house, Toronto, 30 January 1838.

WHEN I had the honour of addressing your Excellency on the subject of the destruction of the *Caroline*, I contented myself with sending you a statement of the facts as they were reported to me officially, corroborated by several affidavits. I did not think it necessary to trouble you, either with arguments of my own upon the unreasonableness of the complaint which was made on account of that transaction, or with any contradiction or notice of the extraordinary misstatements which were going the rounds of some of the American newspapers.

Upon this latter point, I was the less careful to put you on your guard, because from numerous remarks made in respectable American papers, I perceived it to be very notorious there, as well as here, that no credit could be attached to the accounts given of Canadian affairs, in the papers printed along the frontier of the United States. I believe I should scarcely err, if I were to say, that in most of them nothing has been stated truly from the beginning; and that in many of them not the slightest regard appears to have been paid to truth.

Since I wrote to you, I have learned nothing that would authorize my receding in any point from the statement then given; and it was with no less astonishment than disappointment that I found either the government of the state of New York, or the federal government, adopting as true the most false and exaggerated statement of the destruction of the *Caroline*, and not hesitating to speak of that just and rightful act of self-defence, as an assassination of American citizens. I must confess, that I cannot but look upon the applica-

tion
infringe
their
The
murder
ascertain
I am
reside
because
act of
with h
It is a
taken
vened,
aggress
out an
subject
lawless
boat on
sary ar
insult
their o
unoffen
United
wrong
from th
Your
of New
who are
the Can
no less
in arre
of a wa
citizens.
her serv
Your
place on
in the ne
artillery,
indeed, I
an armed
next day
by the g
and took
A consid
I send
himself C
I suppose
whose att
Among
I need
extensive
American
force nece
understand
to by the
fested in
movement
I send
General S
farther oc
hastened b
their recei
that in the
which the
rights of th
I have disc
permanent
When a
it is not
into books
irresistible
three inhab
which can
upon other
357.

tion of such a term to such an act, as scarcely a less outrage than any of those gross infractions of their rights which have compelled the people of Upper Canada to arm in their defence.

Though it has been variously stated, that from 12 to 32 peaceable citizens of Buffalo were murdered in the Caroline, I have not yet found that the name of a single person has been ascertained, or even mentioned, as having perished on that occasion, except one Durfee, who, I am informed, was killed in arms, and who, moreover, was really a British subject, usually resident in Canada until within the last few months. I only recur to these circumstances, because I am desirous of vindicating the gallant men who performed this plain and necessary act of duty to their country, from the charge of wanton cruelty. If the resistance they met with had led to a further loss of life, their conduct would not have been the less justifiable. It is almost too obvious an observation to make, that if an army of American citizens had taken up a position on their side of the Niagara River, at a point where no island intervened, and had begun battering the houses and people upon our shore, and if this shameful aggression, with guns taken from the United State's arsenals, had continued for weeks, without any effectual interposition on the part of the American government, Her Majesty's lawless band which carried on this disgraceful warfare; and of course a right to attack any boat or vessel employed in their service, and carrying them guns or men. To call so necessary an act of self-defence a violation of neutrality would of course be absurd; whatever insult or injury it would occasion to American territory must be ascribed to that portion of their own citizens who were in arms against their authority, and committing outrages on their unoffending neighbours. This being so, it can surely make no difference favourable to the United States, that the army of American citizens did, in this instance, first commit the gross wrong of taking forcible possession of British ground, that they might fire more effectively from thence; it was merely taking two steps in committing the injury instead of one.

Your Excellency, I dare say, has not failed to observe that at a criminal court in the state of New York, an indictment has been found for murder against Captain Drew and others who are supposed (but some of them erroneously) to have been present at the capture of the Caroline. I cannot but believe that the American government will feel it to be due, no less to their own character than to their relations with Great Britain, to interest themselves in arresting any such proceeding. The act was done by public authority, in the prosecution of a warfare to which this province was driven by the outrageous aggressions of American citizens. The British nation is to answer for it, and not individuals zealously acting in her service.

Your Excellency will have learnt from various channels the occurrences which have taken place on our western frontier, opposite to the state of Michigan. There a large force, stated in the newspapers of Detroit not to be less than 1,000 or 1,200 in number, with arms and artillery, taken from one or more public arsenals, attempted to invade this province; and did, indeed, actually possess themselves of the island of Bois Blanc, in the river Detroit. With an armed schooner they commenced battering the town of Amherstburgh, and intended on the next day to have made a descent on the main land, but their further progress was arrested by the gallant conduct of some militia volunteers, who attacked and boarded the schooner, and took several prisoners, together with the guns, arms and military stores on board of her. A considerable military force is now stationed on our western frontier.

I send you the proclamations issued by Mr. Sutherland, an American citizen, who styled himself General of the 2d division of the Patriot Army, Van Rensselaer's band of ruffians, I suppose, forming the first. These will show you the nature and object of the expeditions to whose attacks the people of Upper Canada have been exposed.

Among the prisoners taken on this last occasion were several American citizens. I need scarcely state to you, that the necessity of being armed at all points along our extensive frontier, has occasioned an enormous expenditure to the British Government. The American, I perceive, has called on Congress to provide \$600,000 for the pay and outfit of a force necessary to keep down the excitement on the Niagara frontier alone. You will readily understand, therefore, how much greater must be the expense which this government is put to by the preparations necessary to meet attacks at various points. The hostile spirit manifested in Michigan appeared likely to be attended with more serious consequences than the movements along the Niagara frontier.

I send your Excellency a copy of some correspondence which has taken place since Major General Scott's arrival at Buffalo. Fortunately the pirates have dispersed without anything farther occurring that can give rise to controversy, and I have no doubt their removal was hastened by the active measures at length taken by the American government for preventing their receiving supplies of arms and provisions. It would give me pleasure if I could add, that in the conduct of the American militia stationed on Grand Island, or in the construction which the officers of the American government seemed disposed to put upon the relative rights of the two countries, under the extraordinary circumstances in which they were placed, I have discovered satisfactory proof of a spirit calculated to contribute to the restoration of permanent tranquillity.

When a people has been insulted and aggrieved, as the people of Upper Canada have been, it is not to be supposed that they can feel it necessary to perplex themselves with researches into books upon the law of nations; they will follow a more warring guide in obeying the irresistible natural instinct of self-preservation. By the cannonading from Navy Island three inhabitants of this province have been killed there is no extenuating circumstance which can make the offence less than murder; and if it can be claimed as a right on this, or upon other occasions, that the perpetrators shall be allowed to escape with impunity into the

UPPER
CANADA.

No. 25.

Enclosures in
Sir F. B. Head's
Despatch,
7 February 1838.

106

CORRESPONDENCE RELATIVE TO THE

the country from whence they came in an armed body, to commit these flagitious outrages; if it be maintained that to cross the line of division through the waters of the Niagara to destroy them, or to cut off their resources, is a violation of American neutrality, then it can only follow, that when the American people are suffered to commit such gross outrages upon the province of Upper Canada, they must bring upon themselves the consequences of a public war, for unquestionably the right of self-defence will be exercised; it is not in the nature of things that it should be forborne.

I am upon the point of being succeeded in the government of Upper Canada by Colonel Sir George Arthur; and I cannot depart from the province without offering to your Excellency, on the part of its inhabitants, my most grateful thanks for your prompt and able interposition to protect them from foreign aggression. I have been extremely gratified by the earnest solicitude shown by your Excellency to discharge your delicate and important duties satisfactorily and with effect. I can assure your Excellency, that the people of Upper Canada feel deeply how much they are indebted to you, as the minister of their Sovereign, for your conduct on this anxious and important occasion.

His Excellency Henry S. Fox, &c. &c. &c.,
Washington.

I have, &c.,
(signed) F. B. Head.

(No. 2.)

PROCLAMATION.

To the Patriot Army of Upper Canada.

Companions in Arms!

True courage is always accompanied with high honour, and with mercy to a subdued enemy.

We fight not for plunder or power to oppress, but for liberty and sacred rights, and the common cause of all mankind.

Our friends have been plundered and driven from their wives and daughters, dragged from their beds and exposed to the most outrageous insults, and almost every part of our territory is groaning under the most insupportable tyranny.

To redress these wrongs we are assembled in arms. Let us behave like men who love justice, and scorn and defy oppression.

Soldiers of Liberty! In order to ensure success and a glorious victory, it will be necessary to enforce the most rigid military discipline.

No one, having joined the army, will be allowed, without permission of the commanding officers, to leave the ranks. Every desertion will be punished with death.

All orders must be strictly obeyed. No one must act, under any circumstances, but in obedience to the orders of the officer having command.

Every person not in arms must be protected in his person from all harm.

All private property must be respected. Not a single infringement of private rights or possession will escape the most severe punishment.

No one, not in arms or regularly enrolled, will be permitted to follow the camp. Every idler will be taken up and punished.

Companions and Soldiers! We march to restore, not to destroy good order; to preserve, not to violate wholesome laws; to establish equal rights and justice, yielding to others as rigidly as we demand our own.

(signed) Thos. J. Sutherland, Brigadier General,
Commanding 2d Div. Patriot Army, U. C.

Head Quarters 2d Division, Bois Blanc, U. C.,
9 January 1838.

(No. 3.)

PROCLAMATION.

To the Patriotic Citizens of Upper Canada.

You are called upon by the voice of your bleeding country to join the patriot forces, and free your land from tyranny. Hordes of worthless parasites of the British Crown are quartered upon you to devour your substance, to outrage your rights, to let loose upon your defenceless wives and daughters a brutal soldiery.

Rally then around the standard of liberty, and victory and a glorious future of independence and prosperity will be yours.

(signed) Thos. J. Sutherland, Brigadier-General,
Commanding 2d Div. Patriot Army, U. C.

Head Quarters, 2d Division, Bois Blanc, U. C.,
9 January 1838.

Y
arm
publ
Y
your
toem
Y
inter
perm
Av
Save

I
As
you, th
night,
100 m
either
called
called
your si
two car
Gratiot
that th
are al
in Det
house/
arms an
We e
state, w
a breach
Britain
pared f
energetic
from bei
tions on
immedia
will have

Dea
Your f
assuming
the scho
arrested,
port. A
authority
A meeting
force to a
tion to do
governmen

John D

* N.B.—
schooner, th
nobody, and
would fire o

AFFAIRS OF LOWER CANADA, &c.

107

(No. 4.)

PROCLAMATION.

To the deluded Supporters of British Tyranny in Upper Canada.

You are required to lay down your arms, and retire quietly to your homes. The patriot army of Upper Canada desires not bloodshed. We fight only for liberty, and personal and public safety.

Your persons and property shall be protected, all your private rights preserved to you, your homes secured, your possessions untouched, on condition that you yield up your accursed occupations.

You are now enjoying a moiety of liberty vouchsafed to you from motives of caprice or interest on the part of your rulers. We will secure to you all the blessings of freedom by a permanent and honourable tenure.

Avoid then the horrors of war. Enrage not soldiers already exasperated by oppression. Save yourselves from confiscation. Cease resistance and all will be well with you.

(signed)

Thos. J. Sutherland, Brigadier-General,

Commanding 2d Div., Patriot Army, U. C.

Head Quarters, 2d Division, Bois Blanc, U. C.,
10 January 1838.

(No. 5.)

To His Excellency Stevens T. Mason, Governor of the State of Michigan.

Dear Sir,

Sandwich, U. C., 6 January 1838.

As the organs of the magistrates here, and by their desire, I lose not a moment to inform you, that from clear and unquestionable authority, who were eye-witnesses to the fact last night, we learn that a schooner laden with arms, ammunition, provisions, and from 80 to 100 men, left Detroit this morning on her way down the river, with the intention of either attacking this frontier, or taking possession of the islands belonging to our Sovereign, called Bois Blanc and Fighting Island, or one of them. The schooner, I am informed, is called the Anne; she is at this moment slowly proceeding down the river, and close upon your side, below Spring-well, and is towed by a boat with several men in it; she has also two cannon on board. I am also credibly informed, that a large body of men are met at Fort Gratiot, for the express purpose of joining the rebels and fugitives from this country; and that the steam-boat Macomb has proceeded from Detroit to afford them succour; and we are all correctly informed, that our enemies possessed themselves last night, from the gaol in Detroit, of a large quantity of arms, and also a wagon-load of gunpowder from the powder house in your city. We are further correctly informed, that they are raising volunteers, arms and ammunition, at Monroe, to support the rebels and their adherents.

We rely on the sincerity of your declaration, that you, as chief magistrate of the opposite state, will do all in your power to preserve the peace, to prevent your people from committing a breach of their laws, and to maintain the amity which at present subsists between Great Britain and the United States. We beg leave to repeat our former assertion, that we are prepared for any attack; but we again earnestly call upon you to take such immediate and energetic steps as will prevent bloodshed, and secure the peace of your countrymen and ours, from being broken and destroyed. We at the same time beg to assure you, that no exertions on our part shall be wanting to attain that very desirable object; but unless prompt and immediate steps are taken, we will not conceal from you our firm conviction, that hostilities will have commenced, and blood be shed within the next few hours.

I have, &c.

(signed) *John Prince.*

(No. 6.)

Dear Sir,

Detroit, 6 January 1838.

Your favour of this morning has been received. I most sincerely regret that matters are assuming so serious an aspect on our borders. We have dispatched a marshal* to seize the schooner now proceeding down the river. The Macomb was stopped, her captain arrested, and her lading examined, but nothing could be found to justify detaining her in port. A deputy-marshal has been dispatched to Monroe, and one to Fort Gratiot, with authority to call out the power of the respective counties to arrest all persons found in arms. A meeting of our citizens will be held at three o'clock this afternoon, to enrol a volunteer force to aid in enforcing the laws in this city. I need not again express my determination to do all in my power to prevent the violation of the amity now existing between our governments.

John Prince, Esq., Sandwich.

I am, &c.

(signed) *S. T. Mason.*

* N.B.—The marshal did go down with about 25 unarmed men; when he got within hail of the schooner, they cautioned him and his party not to come within 30 rods of her, stating that she knew nobody, and would not recognise any law or people; and that if he and his boat advanced nearer they would fire on him. He then returned to Detroit the same evening.

(signed) *J. Prince.*

UPPER
CANADA.

No. 25.
Enclosures in
Sir F. B. Head's
Despatch,
7 February 1838.

flagitious outrages;
of the Niagara to
utrality, then it can
gross outrages upon
consequences of a
ed; it is not in the

Canada by Colonel
ring to your Excel-
lunt and able inter-
ly gratified by the
nd important duties
ne people of Upper
their Sovereign, for

, &c.,
F. B. Head.

mercy to a subdued
ered rights, and the
hters, dragged from
part of our territory
like men who love
it will be necessary
of the commanding
umstances, but in
m.
of private rights or
the camp. Every
order; to preserve,
yielding to others as
Patriot Army, U. C.

patriot forces, and
ash Crown are quar-
let loose upon your

future of independ-

Patriot Army, U. C.

1 FEB
CANADA

No 15

Enclosures to
Sir F. B. Head's
Despatch,
7 February 1838.

(No. 7.)

Bois Blanc Island, Malden, 8 January 1838.

Six o'clock, A. M.

Dear Sir,

On the return of the steam-boat United, from her unsuccessful attempt last Saturday, to bring back to Detroit the schooner Anne, pursuant to your Excellency's instructions, three companions of our militia, besides several volunteers (of whom I form one), proceeded to Amherstburgh, with a view of defending that town, and in hopes of meeting the rebels and their adherents and supporters at this place.

But I regret to say that we have, for the present, been disappointed; I, however, deem it proper to inform your Excellency, as Governor of the state of Michigan, that the above-mentioned schooner was at anchor last evening opposite the lower end of Grope Isle, at a wharf near Gibraltar, and that she had on board 700 stand of arms, being no doubt the same arms of which she possessed herself from the gaoi at Detroit. There are, moreover, many hundred of our enemies there, and they have some heavy cannon, which they fired about ten times last evening, and twice during the night. All these facts are within our knowledge. From the conversation which my friend Mr. Charles Baby had with your Excellency on Saturday last, I was greatly in hopes that the schooner and her cargo, as well as many of her crew, would ere this have been taken under your authority, and dealt with according to law. I now, with the concurrence of my brother magistrates, beg to inquire whether your Excellency will permit our forces on this side to attack the schooner*, with a view of taking her and those who may attempt to defend her. If you consent to this our request, we will at once proceed to the attack; and we solicit this favour at your hands, because we are unwilling to commit any act which may be construed into aggression, or a breach, by us, of that amicable understanding which subsists between our government and yours, notwithstanding our conviction that the men and schooner, and arms in question, are intended to act hostilely towards us. Mr. Mercer, one of our magistrates, has undertaken to deliver this to your Excellency, and a reply to him will be thankfully received.

Governor Mason, &c.

(signed) John Prince.

(No. 8.)

Adjutant-general's Office, Detroit, 8 January 1838.

To the Civil Authority of Sandwich, Upper Canada.

I have the honour to inform you, by direction of his Excellency the Commander-in-chief, that by twelve o'clock at noon this day, the steam-boats Erie and General Brady will leave this city with a sufficient armed force to proceed to the mouth of this river, to enforce the laws of the United States against armed men who attempt a violation of the same. This communication is given with the view of informing you of the fact that his Excellency the Governor is with the detachment, and will do all in his power to allay this unfortunate excitement, and that you may understand this movement†.

Very respectfully, &c.

(signed) J. E. Schwarz,
Adjutant-general, Michigan.

(No. 9.)

Amherstburgh, Upper Canada, 9 January 1838.

Four o'clock, A. M.

To His Excellency Stevens T. Mason, Governor of the State of Michigan.

Dear Sir,

I presume that you have received my letter of yesterday's date. The enemy, who commenced her attack upon us about sun-set last evening, by firing two cannon-shots. Her force, we are informed, consists of the schooner or sloop believed to be the Anne, referred to in my former letter; also two scows and divers boats, a large schooner, three field-pieces, two twelve-pounders, and a six-pounder, besides a large quantity of arms, and some hundreds of men. One schooner, the Anne, sailed up in front of Amherstburgh, along the British channel, between the town and Bois Blanc: this evening our people fired upon her (knowing her to be the enemy), and she returned the salutation by two cannon shots. The steam-boat United, which was very near, fired down some passengers from Sandwich to Amherstburgh, was also covered with musket-shots from (as it is supposed) one or two American steamers, and fled down the river. The schooner, supposed to be the Anne, then steered from Amherstburgh to the northern end of Bois Blanc. The large schooner is at anchor at the south end of Bois Blanc, and there are lights on Hickory Island, which induce a belief by us, that she has moved near her the scows and small boats above referred to. We assume that the enemy will possess himself (if he has not already done so) of Bois Blanc forthwith. He is lying at anchor opposite to us. We have no hesitation in pronouncing him to be regardless

* She was at this time anchored on the American shore, and it was with the utmost difficulty that I was able, by my advice, to restrain our men (officers and all) from going from Amherstburgh in a large schooner, to attack and capture the Anne, so lying on the opposite side. (signed) J. Prince.

† This movement was not attended with any good result. (signed) J. Prince.

less of
able to
as well
of Mich
touchin
to be c
accordi

De
You
United
address

To Jo

(Offic
Gen

The co

frontier

officially

I have

desire to

and that

of a sove

give you

that the

states, w

are all the

of the po

enacted co

treates be

immediate

marshal of

of Michig

be enforce

occasion v

Michigan

their count

In obedi

marshal of

dispersed†

this state, i

occur to yo

to the distri

after, I mu

within the j

of the laws

United Stat

out resistan

I preside as

Sir,

Captain I

service of He

that Her Ma

anticipate a

I have the

ment abandon

Colonel R

† They were

Meaning-

shore.

AFFAIRS OF LOWER CANADA, &c.

109

UPPER
CANADA

No. 45.
Enclosures in
Sir F. B. Head's
Despatch,
7 February 1838.

loss of all laws, and a plunderer and pirate. My object is to secure him, to make him amenable to the laws of this country; and in the name of the civil authorities of Upper Canada, as well as in the name of common justice, I now call upon your Excellency, as the Governor of Michigan, to assist us, the subjects of your natural ally, in preventing this enemy from touching upon, or holding any intercourse with the shores of Michigan, whereby we hope to be enabled to capture her, and to bring her to that bar of justice which will deal with her according to her merits.

I have, &c.
(signed) John Prince.

Dear Sir,

(No. 10.)

Your letter of this date has been received, and laid before the district attorney of the United States. For your further information, I enclose you the copy of a letter which I have addressed to the magistrates of Sandwich, in reply to their communication of the same date.

To John Prince, Esq., Sandwich,
Upper Canada.

I have, &c.
(signed) Stevens T. Mason.

(Official.)

(No. 11.)

Executive Department, Detroit,
9 January 1838.

Gentlemen,
The controversy now pending in the province of Upper Canada, and immediately on the frontier of this state, is beginning to assume so serious a character, that I deem it my duty officially to communicate to you my positive relatives and duties in the premises. Heretofore I have as an individual, rather than in my official capacity, expressed to you and others my desire to preserve the friendly relations existing between the government of the United States and that of Great Britain; but in the ground now taken, I maintain the position of Governor of a sovereign and independent state of the American confederacy. I will abide by it, and give you my assurance that I will not abandon that position. You are perhaps well aware that the general government of the United States is composed of separate and independent states, with certain delegated powers to the Federal head: amongst these delegated powers are all the relatives of peace and war, and intercourse with foreign nations. In furtherance of the powers which have been surrendered by the states, the general government have enacted certain laws for the preservation of neutrality, and the guarantees of the faith of treaties between itself and other governments. The executive of these laws does not belong immediately to the state authorities, but is vested in a district judge, district attorney, and marshal of the United States; when these officers call on me as the Executive of the state of Michigan, conveying the information that the process of the United States' courts cannot be enforced without executive aid, my official duties begin, and not till then; but on every occasion when the contingency stated arises, you will find the constituted authorities of their country.

In obedience to the requisition made on the Executive of this state, I have ordered the marshal of the United States for this district to enforce the process of this court, and have dispersed the armed force stated by you to have been assembled within the jurisdiction of this state, in violation of the Acts of Congress of the United States. It will therefore readily occur to you, that all further communication on this unpleasant subject must be addressed to the district attorney of the United States. In reply to the immediate inquiries of your office, I must state that whilst all persons proceeding from this state and found in arms within the jurisdiction of the province of Upper Canada, have lost all claim to the protection of the laws of the United States and of this state, and whilst all intercourse between the United States and foreign powers belong to the Federal government, I cannot permit, without resistance, any invasion upon the soil of the sovereign and independent state over which I preside as chief magistrate.

I am, &c.
(signed) Stevens T. Mason.

(No. 12.)

Chippewa, 16 January 1838.

Sir,
Captain Drew, of the Royal Navy, who commands the naval department here, in the service of Her Majesty, has just informed me that he has received a letter from you, stating that Her Majesty's schooners are anchored in the waters of the United States, and that you anticipate a breach of neutrality between the two nations.
I have the honour to inform you that the rebels in arms against Her Majesty's Government abandoned Navy Island on the night of the 14th inst.; that their arms and munitions

Colonel Radcliffe (the commandant) here, among others. (signed) J. Prince.
† They were dispersed for a few hours, but soon all collected together again.

† Meaning, my request that he would allow us to attack and take the schooner anchored on their shore. (signed) J. Prince.
(signed) J. Prince.

UPPER
CANADA.

No. 25.

Enclosure in
Sir F. B. Head's
Despatch,
7 February 1838.

of war are now on board the Barcelona steam-vessel, in the port of Whitehaven, Grand Island, and that it is the intention of the rebels to proceed in the same vessel to effect a landing in the western part of Upper Canada: under these circumstances it is my duty to watch the rebels, and to endeavour by every possible and legal means to arrest their progress, and to prevent their carrying their designs against Her Majesty's Government into execution.

If, however, to prevent the possibility of the breach of neutrality which you apprehend, you will undertake to stop the said steam-boat, or any other vessel which may be employed in the same cause, and have her examined, to ascertain whether or not they have any of the rebels on board lately in arms upon Navy Island, or any of their arms or munitions of war, I will immediately give orders that Her Majesty's vessels shall merely remain in the Niagara river as a squadron of observation, and without interfering in any manner with any vessel that may pass or repass upon any business whatever.

I have, &c.

C. H. Hughes,

Lieut.-Col. Commanding 24th Regt.

and Colonel Commanding Niagara Frontier.

Major-General Scott, &c. &c.
Commanding United States Army, Buffalo.

(No. 13.)

Chippewa, 21 January 1838.

Sir,
I have the honour to enclose the last communications between myself and General Scott, commanding the United States troops at Buffalo, which last answer I have only now received, and of which I request you will inform his Excellency the Lieutenant-governor.

I herewith forward the same to his Excellency the Lieutenant-general.

I have the honour to acknowledge the receipt of your letter of the 19th instant. I have ordered 25 men of the artillery to proceed to Niagara to-morrow morning, to embark for Toronto under Captain Glasgow, and have given directions to Lieut.-colonel Cameron, R. A., that the ordnance and ordnance stores may be forwarded to Toronto, agreeable to your orders.

Lieutenant Crawley, R. E., is at present at Niagara, for the purpose of inspecting and reporting to you the state of Fort Mississauga; and I agree with you that a subaltern of the Royal Artillery should for the present be stationed there, and more artillery-men than will remain from those to be taken by Captain Glasgow, on account of the number of guns which you propose to leave there.

I have, &c.

C. H. Hughes,

Lieut.-Colonel 24th Regt.,

and Colonel Commanding Niagara Frontier.

Colonel Foster, &c. &c.
Commanding in Upper Canada.

(No. 14.)

Head Quarters, Eastern Division U. S. Army,
Buffalo, 20 January 1838.

Sir,
I had the honour to receive by the hands of Captain Maitland your letter of the 16th instant, which enclosed one of the same date from Captain Drew of the Royal Navy, and I have since received the communication of Colonel M'Nab, commanding Her Majesty's militia and naval forces on the Niagara frontier, dated the 18th.

I begged Captain Maitland to offer you my numerous and pressing engagements as an apology for my not giving at the time a more formal acknowledgment of the first and second notes, and the same apology was repeated through Captain Glasgow, whom I have since had the pleasure to receive as a visitor.

Both Captains Maitland and Glasgow had opportunities (and I was pleased that it was so) to witness the character of my occupations, which had for object the defeat, by harrying all the authorities, civil and military, both of the general and state governments of the hostile expedition on foot, within our jurisdiction, against Her Majesty's neighbouring province.

From the measures taken, and really to be applied, I am happy to repeat what I orally communicated through Captains Maitland and Glasgow, that I entertain a well-grounded hope that we shall be able to prevent the embarkation of any considerable portion of the men and arms of that expedition on this side of Cleveland; and Brigadier General Brady, United States Army, under my command at Detroit, has taken measures, in conjunction with his Excellency the Governor of Michigan, to maintain the obligations of neutrality in that quarter.

At this place I think we shall certainly be able to prevent any hostile embarkation; and the steamer Barcelona has already been out, and will proceed again the moment the wind shall permit, with a detachment of United States troops and the proper civil officers, as high up the lake as Dunkirk, looking into Catarague and Silver Creeks on the way. Another, and a better steamer, the Robert Fulton, will follow to-night or early on the morning with a larger detachment. The latter may go as far as Detroit, and certainly, the weather permitting, as high as Cleveland. The object of both boats and detachments is the same—to prevent the embarkation of the hostile expedition.

As was explained to Captains Maitland and Glasgow, my powers to effect that object have been much enlarged since I had the honour to address to you my former note, and we

(the

P.S. Possession

British

357.

AFFAIRS OF LOWER CANADA, &c.

111

UPPER
CANADA.

No. 25.

Enclosures in
Sir F. B. Head's
Despatch.
7 February 1838.

(the civil authorities and myself) are daily in the expectation of receiving a new Act of Congress, giving us yet more ample authority.

The steamer *New England*, lying in this port, and understood to be engaged to take off portions of the hostile expedition from points above, we hope to find the means of detaining. I have, in the act of writing this sentence, the further hope of hiring and taking her into the service of the United States.

I give these details in the spirit of national amity, and in the sincere hope that the neutral relations of the two countries may long be maintained.

It is with reluctance that I advert, and I shall merely advert, to certain points in the three communications acknowledged above.

I cannot stipulate, as you have proposed, as the price of your respecting the sovereignty of the United States, "to stop the *Barcelona*, or any other vessel which may be employed in the same cause, and have her examined, to ascertain whether or not they may have any of the rebels on board lately in arms upon Navy Island, or any of their arms or other munitions of war," and so I said orally, through Captain Maitland; and added, that whilst I should be happy to do all that our laws would permit to maintain our neutral relations with Great Britain, I had another high duty to perform—that of preventing, by all the means I could command, the violation of the sovereignty of the United States. I said in my note of the 15th instant to the commanding officer of the armed British vessels in the Niagara, that it gave me pain to perceive the armed vessels anchored in our waters, with the probable intention to fire upon the expedition moving within the same waters, and that I should "be obliged to consider a discharge of shots or shells from or into our waters, from the armed schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations."

Captain Drew, in the reply which I am thus acknowledging, has been pleased to mistake my point, and to raise another, which certainly, in time of peace, no functionary of the United States will ever question, viz. the common right of both nations to navigate in all their breadth, the waters of the Niagara.

Colonel MacNab, who will pardon me for not addressing myself directly to him (indeed I have not the time without neglecting some urgent duty of neutrality), has opened upon me a wide field of complaint and controversy. What may be his peculiar views of international law, as applicable to recent and present circumstances on this frontier, I have, in the way of discussion, nothing to do. That code is also open to me, and I shall not fail, regardless of his admonitions, to apply it to current events.

I will, however, state to you, in the spirit of amity, that I knew where the steamer, the *Barcelona*, was on the 15th, 16th and 17th instant, passing up from Grand Island to this port; she had no part of the personnel or materiel of the hostile expedition on board.

Colonel MacNab tells me that, but "for an unfortunate misapprehension of the orders given by Captain Drew," that vessel (she alone passed up) would have been assailed. More pacific than the colonel, I shall call that misapprehension a most fortunate event; and only regret that some equally kind influence did not preside over the friendly relations of the two countries on the night of the unhappy affair of the *Caroline*.

As to the alleged discharge of arms from Grand Island, on the 13th instant, by a party of New York militia, upon the boat of Lieutenant Elmsley of the Royal Navy, and the correspondence which ensued between Colonel MacNab and Colonel Ayres of the New York militia on the subject, I have no knowledge except through Colonel MacNab. I shall inquire for that correspondence, and refer the whole subject for investigation to the proper state authority now present, only remarking at this time, that Colonel Ayres was not then, nor is yet, taken into the service of the United States, or under my command. I have no doubt that all that is proper will be done in the case, and to that end I shall give my attention.

General Arcularius, who has, I know not how, got into correspondence with Her Majesty's authorities on this frontier, has, I believe, returned to Albany. He held no command on this frontier, either under the state or general government; being here, as I learn, as the agent of the former, to claim and to get possession of certain arms purloined from the state arsenals; many of these cannon and muskets have already been recovered, and we hope soon to recover the remainder.

I have received a note from Lewiston, stating that a ferry-boat, belonging to that place and Queenston, has for some cause or other been detained on your side of the river, to the great inconvenience of our people in that neighbourhood. I make no complaint of the subject, because I am ignorant of all the material circumstances, but will suggest, whether it may not contribute to the restoration of good feelings on both sides, to permit the ferry-boat to resume her usual trips, particularly as I think I can assure all the Navy Island people have advanced up the country to this place and beyond.

I have, &c.
(signed) Winfield Scott.

P.S. I have engaged the *New England*, and a party of troops has just gone down to take possession of her. The hostile expedition can now obtain no boat this side of the Erie.

Colonel C. Hughes,
British Army, Commanding, &c. &c. &c.

(signed) W. S.

UPPER
CANADA.

No. 25.

Enclosure in
Sir F. B. Head's
Despatch,
7 February 1838.

(No. 15.)

CORRESPONDENCE between Colonel the Honourable *Allan N. MacNab* and Major General *Scott*, of the United States Army; together with the Depositions of *Seth Conklin*, a Citizen of the United States, in relation to the manner in which the American Authorities have observed the Neutrality of their Government upon the Niagara frontier.

Sir,

I have the honour to enclose, for the information of his Excellency the Lieutenant-governor, the copy of the letter which I addressed to General Scott, remarking upon a correspondence between that officer and Captain Drew of the Royal Navy, together with the verbal reply of General Scott, as detailed in the enclosed report of Lieutenant-colonel Bethune to me. This officer having been charged with my despatch to General Scott, I take the opportunity of acknowledging his services, since he volunteered to accompany me while on this command.

I beg also to enclose the deposition made by a person of the name of Conklin, who was a prisoner among the rebels at Navy Island, showing the manner in which the officer in command of the United States forces upon Grand Island has preserved the neutrality of his government in relation to the late disturbances upon this frontier.

I have, &c.

(signed) *Allan N. MacNab.*Lieut.-Colonel Strachan,
Military Secretary.

Colonel Commanding Militia and Naval Brigade.

(No. 16.)

To the Commanding Officer of the armed British Vessels in the Niagara.

Head Quarters, United States Army,
Eastern Division, two miles below Black Rock,
13 January 1838.

Sir,

With his Excellency the Governor of New York, who has troops at hand, we are here to enforce the neutrality of the United States, and to protect our own soil and waters from violation.

The proper civil officers are also present, to arrest, if practicable, the leaders of the expedition on foot against Upper Canada.

Under these circumstances it gives me pain to see the armed vessels mentioned anchored in our waters, with the probable intention to fire upon that expedition moving within the same waters. Unless that expedition shall first attack, in which case we shall interfere, we shall be obliged to consider a discharge of shot or shells from or into our waters, from the armed schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations. I hope, therefore, that no such unpleasant incident may occur.

I remain, &c.

(signed) *Winfield Scott.*

(No. 17.)

Head Quarters, Chippewa, 16 January 1838.

Sir,

I have had the honour to receive your letter of the 16th instant, in which you state "it gives you pain to perceive the armed vessels of Her Majesty anchored in your waters, with the probable intention to fire upon that expedition moving within the same waters."

The object I have in view is to prevent the rebels who have lately been in arms against Her Britannic Majesty upon Navy Island, and who have now taken shelter upon Grand Island, a territory of the United States, from effecting a landing in any part of the province of Upper Canada; and for this purpose I have made such a disposition of the force under my command as will most effectually perform that service.

With reference to the vessels of Her Majesty being anchored in your waters, I have always understood, that so long as Great Britain and the United States were at peace and amity, that the right of the full navigation of the river Niagara belonged to each power; and if I have suffered an infringement upon any international law, I beg you will do me the favour to refer me to it.

I have, &c.

(signed) *Andrew Drew,*

Commander in the Royal Navy, Commanding Naval Brigade.

To General Scott, &c. &c. &c.

Commanding the Forces of the United States, &c. &c. &c.

(No. 18.)

Head Quarters, Chippewa, 18 January 1838.

Sir,

The correspondence which has taken place between you and Captain Drew of the Royal Navy, during my short absence from this frontier, where I have the honour of commanding Her Majesty's naval and military forces, having been laid before me by that officer, I beg to offer a few observations upon it.

You

with
soil
prac
thes
Ma
mov
you
you
the
may
W
gar
my
are,
and
the c
river,
and n
the g
for a
com
The
trality
of the
I c
an int
It app
situate
of Up
the hon
mere b
I rep
station
against
hear th
tion, w
I ha
officer
subject
Grand
commu
I may
Elmsley
I tru
the hon
to me w
I beg
Colonel
certain
proper a
the worl
frontier.
To Major
Sir,
I have
General S
officer thi
After G
that at a
only do so
de-arous o
time was
during the
for mainta
357.

AFFAIRS OF LOWER CANADA, &c.

113

UPPER
CANADA.

No. 25.

Enclosure in
Sir F. B. Head's
Despatch,
7 February 1838.

You state that you, with his Excellency the Governor of New York, are near Black Rock, with troops at hand to enforce the neutrality of the United States, and to protect your own soil and waters from violation; that the proper civil authorities are also present to arrest, "if practicable," the leaders of the "expedition" on foot against Upper Canada; that under these circumstances it gives you "pain" to perceive the armed vessels of Her Britannic Majesty anchored in your waters, with the probable intention to fire upon that "expedition" moving within the same waters; that unless that expedition shall first attack, in which case you will interfere, you will be obliged to consider a discharge of shot or shells "from or into" your waters, from the armed schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations; that you hope, therefore, that no such unpleasant incident may occur.

With regard to your views of the right of the expedition referred to, to pass up the Niagara River, near your shores, unmolested by the forces under my command, I beg to enter my most decided protest. The waters of the Niagara River, for the purpose of navigation, are, as Captain Drew has very properly said, common to the inhabitants of Great Britain and the United States, so long as these powers are at peace with each other; and that being the case, I cannot understand why the schooners under my command, and anchored in the river, have not the right to capture and destroy any expedition on foot against Upper Canada, and moving upon the waters of that river, whether on the one side or the other, or exactly in the centre of the stream. My own opinion is that they have that right, and had it not been for an unfortunate misapprehension of the orders given by Captain Drew to the officer in command of the schooners, that right would most assuredly have been exercised.

The second paragraph of your letter appears to me so much at variance with that neutrality which, in my humble opinion, should be observed upon the present occasion by officers of the United States, that I cannot refrain from making a remark or two upon it.

I cannot understand why it should give an officer of a neutral power "pain" to observe an intention on our part to punish the actors in an "expedition on foot" against this province. It appears to me, that such an intention should rather give pleasure than pain to an officer situated as you are, who really desired to see the rebellion against the constituted authorities of Upper Canada put down; more particularly as the majority of the persons concerned in the hostile expedition were citizens of your own country, and were in fact in the situation of mere banditti.

I regret to observe an evident intention on the part of the authorities of the United States, stationed on the Niagara frontier, to screen the guilty actors in this disgraceful outrage against the laws, as well of Great Britain as of the United States, otherwise we should not hear those authorities speak of the "practicability" of arresting the leaders of that expedition, when so completely in their power, as those men are who lately occupied Navy Island.

I had, on the 11th instant, the honour to address Commissary-general Arcularius, or the officer in command of the United States militia forces, on the Niagara frontier, upon the subject of an outrage committed by the militia force of the United States, stationed upon Grand Island, on Lieutenant Elmsley, of the Royal Navy, and the boat's crew under his command, but I have not as yet received any answer to my communication upon this matter. I may now briefly state, that the outrage complained of was the firing upon Lieutenant Elmsley, by the militia force alluded to, and directly under the American flag.

I trust that you will cause an investigation of this serious charge to be made; and I have the honour to request that the result of your inquiries into this matter may be communicated to me with as little delay as possible.

I beg also to refer you to the correspondence that took place on the 13th instant, between Colonel Iron Ayer, of the 46th Regiment, 47th Brigade, New York Militia, in relation to certain complaints made by that officer to me, in order that the same may be laid before the proper authorities in the United States for investigation, as I have no desire to conceal from the world any part of my conduct whilst in command of Her Majesty's forces upon this frontier.

I have, &c.

(signed) Allan N. McNab,

Colonel Commanding Militia and Naval Forces,
Niagara Frontier.

To Major General Scott, United States Army,
&c. &c. &c.

(No. 19.)

Head Quarters, Chippewa,

Friday night, 10 January 1838.

I have the honour to report to you, that I proceeded to Buffalo with your despatch to General Scott, of the United States army, where I had the honour of an interview with that officer this morning.

After General Scott had perused the despatch, he desired me to inform Colonel McNab, that at a convenient time he would answer his despatch in writing; that at present he could only do so verbally. General Scott then remarked, that it was evident Colonel McNab was desirous of drawing him into a correspondence, for which he had no leisure at present, as his time was wholly occupied in endeavouring to preserve the neutrality of the United States during the existing disturbances on our frontier; that Colonel McNab might have leisure for maintaining such correspondence, but he (General Scott) had not; and that he had been

357.

Q 3

30

E

MacNab and Major
ons of Seth Conklin,
American Authorities
frontier.

20 January 1838.
y the Lieutenant-
marking upon a cor-
together with the
ant-colonel Bethune
Scott, I take the
company me while on

f Conklin, who was
h the officer in com-
the neutrality of his

N. McNab.
and Naval Brigade.

e Niagara.

d States Army,
below Black Rock,
1838.

hand, we are here
soil and waters from

the leaders of the

mentioned anchored
moving within the
e shall interfere, we
our waters, from the
eutrality of the two

Winfield Scott.

10 January 1838.
which you state "it
n your waters, with
ne waters."
been in arms against
shelter upon Grand
part of the province
of the force under

waters, I have always
t peace and amity,
ch power; and if I
ill do me the favour

ing Naval Brigade.

10 January 1838.
Drew of the Royal
our of commanding
that officer, I beg to

You

UPPER
CANADA.

No. 25.

Enclosures in
Sir F. B. Head's
Despatch,
7 February 1838.

so employed in maintaining the neutrality of the United States, two officers of the British army then in the house (American Hotel) could testify.

I beg leave to remark, that General Scott appeared very much agitated on perusing your despatch, and while he made the above verbal communication.

I have, &c.

(signed) D. Bethune.

To Colonel the Hon. Allan N. MacNab,
Commanding Militia and Naval Forces, Niagara Frontier.

(No. 20.)

District of Niagara, } Seth Conklin, late of Syracuse, in the state of New York, but now of
to wit. } Chippewa, in the province of Upper Canada, miller, deposeth upon
oath and saith, that he went to Navy Island on Sunday the 7th of January, instant; that
he left the island on the following morning; that he was taken up by a party of the militia
of the state of New York, stationed on Grand Island; that he was accused by said militia
of being a spy on Navy Island, when a sergeant of said militia held a pistol to deponent's
breast and threatened to shoot him, and at the same time five or six of his men seized deponent
and dragged him to a boat, in which they attempted to put him, for the purpose of
taking him over to the patriots upon Navy Island; that at the earnest entreaty of deponent,
he was taken back to the commanding officer on Grand Island, Colonel Ayer, by whom he
was questioned as to where he had been, and why he had been at the island; that Colonel
Ayer then ordered him to be searched, upon which he claimed protection of Colonel Ayer, as
an American citizen; and Colonel Ayer said he should be protected, and gave him in charge
of a sergeant, who kept him a prisoner till after dark; that Major Chase, of the Navy Island
patriots, then came from the island, to sup with the United States militia officers, when
another colonel of the United States militia, a tall man, with a dark complexion, told deponent
that he must return to the island; that deponent again claimed from this officer protection
as an American citizen, but that he replied—"You shall go immediately, and if you
hesitate we will force you." He said further, that if deponent remained on Grand Island,
he would be shot, and that if any disturbance occurred concerning him, he, the colonel, would
shoot him with his own hand. That when Major Chase, of the Navy Island patriots,
demanded deponent, the last mentioned Colonel said that he might take him; that deponent
again claimed protection as an American citizen, when Major Chase said, if deponent was
allowed to remain on Grand Island, he would escape and inform the British of the state of
Navy Island; that upon this fifteen or twenty of the United States militia declared that deponent
should go, but that the sergeant who had him in charge wished that, to satisfy General
Van Ransselaer, he might be sent to Buffalo Gaol, to which deponent consented; that the rest
of the militia insisted upon his going to Navy Island, and that he entreated of them not to send
him there, alleging that he would certainly be shot before he got there; that the sergeant
then proposed for him to choose three men of the guard to accompany him. Deponent
fearing that he should be murdered before he got there, did choose three men to accom-
pany him, and he was taken by five militia-men, namely, a sergeant and four men of the
United States militia, in company with Major Chase, and delivered by them at General Van
Ransselaer's quarters, in charge of Major Chase. Major Chase told the sentries at the head
of the Island to allow the boat which brought over deponent to pass, as it was a friendly
boat. That deponent remained a prisoner upon Navy Island until the patriots evacuated it,
during which time he was kept in close confinement, in a house on the south front of the
Island, which was open to the fire of the British guns; and that three of their shots passed
through the house whilst he was confined there.

(signed) Seth Conklin.

Sworn before me at Chippewa, this 18 January 1838.

(signed) Samuel Street, J. P.

(No. 21.)

Sir,

Head-quarters, Chippewa, 10 January 1838.

It becomes my painful duty to report to you, for the information of his Excellency the Lieutenant-governor, that since I had the honour of commanding the militia and naval force upon this frontier, three of our brave and loyal militia have unfortunately lost their lives in the service of their country, against the rebels and their piratical allies upon Navy Island. They were all killed by gun-shot wounds.

It cannot but become the imperative duty of his Excellency, as I am sure it will be his inclination, to communicate to our ambassador at Washington, this additional proof of the disgraceful and murderous conduct of those citizens of the United States who associated themselves with Mackenzie upon Navy Island, under the command of Van Ransselaer, who has been recognised by some of the authorities in the United States as a general.

I have, &c.

(signed) Allan N. MacNab,

Colonel Commanding Militia and Naval Forces.

Lieutenant-Colonel Strachan,
&c. &c. &c. Toronto.

Cor
to m
attem
and to
The
have p
for its
adopt
satisf
selves

I th
ment d
It is
and th
revenu
unexpe
state of

I reg
desire to
scarcely
has wit
invasion
explaine
the sac
notoriou

The w
to dictat
hencefor
world as
What
artillery
another?
invading

When
their su
rating the
republican
brethren
waggon-l
upon Nav
cated, th
Britain.

When t
were info
sacredly co
sufferings
the enmity
and warrio
born defen
case of the
357.

—No. 26.—

(No. 22.)

COPY of a DESPATCH from Lieutenant-governor Sir F. B. Head, Bart., to Lord Glenelg.

UPPER CANADA.

No. 26.
Sir F. B. Head to
Lord Glenelg.
6 March 1838.

My Lord,

Toronto, 6 March 1838.

I HAVE the honour to enclose to your Lordship a copy of the speech with which I this day prorogued the Provincial Legislature.

I have, &c.

(signed) F. B. Head.

Enclosure in No. 26.

SPEECH :

Honourable Gentlemen of the Legislative Council; and Gentlemen of the House of Assembly :

Encl. in No. 18.

Considering the circumstances under which you were hastily assembled, it is satisfactory to me to observe that you have been enabled, notwithstanding occasional anxiety from attempted invasions of our frontier, to give your deliberate attention to the public interests, and to mature some valuable measures.

The Act for the amendment of the Militia Law will, I trust, remove any obstacles that may have prevented the full efficiency of a force, upon which this Province must principally rely for its safety and independence. The other measures which late events have induced you to adopt will be found, I doubt not, well suited to the exigency, and nothing can be more satisfactory than the readiness and unanimity with which the Legislature have applied themselves to meet the emergencies of the present remarkable crisis.

Gentlemen of the House of Assembly :

I thank you for the supplies which you have granted for the support of the Civil Government during the present year.

It is much to be lamented that at a moment when the disturbed state of Lower Canada, and the depression of commerce occasioned by it, must tend materially to diminish our revenue, the necessity for new charges should be created to an inconvenient extent, by the unexpected hostility of our allies, which has forced us, for a continued length of time, into a state of actual warfare along the whole extent of our frontier.

Honourable Gentlemen, and Gentlemen :

I regret to say that there still exists among a portion of the American people, so strong a desire to force upon the free inhabitants of this Province republican institutions, that with scarcely an exception every Government arsenal, from Lake Champlain to Lake Michigan, has within the last two months been broken open and plundered, to furnish arms for the invasion of this portion of the British empire; and however the circumstance may be explained, it is certainly a remarkable fact, that all these robberies have been effected without the sacrifice of a single life, and without even the imprisonment of the person who is notoriously the instigator of these acts.

The wrong which citizens of the neighbouring States have committed, by thus attempting to dictate to the inhabitants of Upper Canada the form of Government under which they are henceforward to exist, will, as the assertion of a new theory, be condemned by the civilized world as severely, as in practice it has been repudiated by the people of this Province.

What right, it will be calmly asked, have the inhabitants of one country, armed with the artillery and weapons of their Government, to interfere with the political institutions of another? What excuse, it will be gravely considered, had citizens of the United States for invading the territory of Upper Canada?

When our coloured population were informed that American citizens, sympathising with their sufferings, had taken violent possession of Navy Island, for the double object of liberating them from the domination of British rule, and of imparting to them the blessings of republican institutions, based upon the principle that all men are born equal, did our coloured brethren hail their approach?—No! on the contrary, they hastened as volunteers in waggon-loads to the Niagara frontier to beg from me permission, that in the intended attack upon Navy Island they might be permitted to form the forlorn hope—in short they supplicated, that they might be allowed to be foremost to defend the glorious institutions of Great Britain.

When the mild Aborigines of this continent, who live among us uninjured and respected, were informed that citizens of the United States, disregarding the wampum-belt which was sacredly connecting them with Great Britain, had invaded our shores to sympathise with the sufferings of the red tenants of the forest, and to offer them American friendship instead of the enmity of British rule, did our Indian brethren hail their approach? No, their chiefs and warriors instantly painted their faces for battle, and with rifles in their hands these free-born defenders of their virgin soil appeared before me with a solitary request, namely, that in case of their death their wives and children might be pensioned. The Six Nation Indians,

UPPER
CANADA.

No. 26.

Sir J. B. Head to
Lord Glenelg,
March 1838.

Encl. in No. 18.

the Mississaugas, the Chippewas, the Hurons and the Ottawas, spontaneously competed with each other in a determination to die, if necessary, in defending the British Government, under whose parental protection they and their fathers had been born.

When the Canadian farmers and yeomen of British origin were informed that citizens of the United States, sympathising with their sufferings, had in three instances taken forcible possession of Her Majesty's territory, for the purpose of liberating them from British domination; that, with this object in view, the American leaders had issued proclamations promising to each liberator 300 acres of the best lands of Upper Canada, with 100 dollars in silver; that the American self-styled general in command of the liberators had called upon the citizens of Upper Canada "to free their land from tyranny, to rally round the standard of liberty, to lay down their arms;" in which case, it was beneficently promised to them, that "their persons and property should be protected," and that if they would "cease resistance, all would be well with them;"—did the Canadian inhabitants hail their approach? No, on the contrary, their brave and loyal militia, although totally deprived of the assistance of Her Majesty's regular troops, rose simultaneously, and regardless of every private consideration, whenever the invaders appeared thousands of bayonets were seen bristling on our shore, ready to receive them. On the eastern, as well as on the western frontier, but one feeling prevailed; it was a noble determination on the part of free men to conquer or die in defence of their religion, their constitution, their character, their families and their farms; yet, notwithstanding their excited feelings, when the American citizens, who from an armed schooner, had cruelly battered the town of Amherstburgh, fell into the hands of the brave militia of the western district, (in which not a single rebel had been in arms,) did these prisoners fall victims to popular fury, or were they even insulted? No, the instant our invaders surrendered to British power, they experienced that mercy which adorns the British name; their wounds were healed at our hospitals, and from the western extremity of Upper Canada, they were conducted unharmed through the province, safe under the protecting ægis of our laws.

When a band of rebels, defeated in their cruel object to reduce this capital to ashes in the depth of a Canadian winter, were, after the conflict at Gallows-hill, brought to me as prisoners on the field; was any distinction made between American-born and our other Canadian subjects? No, all were released. Before the assembled militia of Upper Canada all were equally pardoned; and though many of our brave men, smarting under feelings natural at the moment, evidently disapproved of the decision, yet all bowed in obedience to the administrator of their laws, and, under the noble influence of monarchical government, they allowed their assailants to pass uninjured through their ranks.

When the gallant inhabitants of the provinces of New Brunswick and Nova Scotia received intelligence that American citizens had commenced an attempt to free the British North American Colonies "from the tyranny of British rule," did they rejoice at the event? No; a burst of loyalty resounded through their lands, and a general desire to assist us was evinced.

If Upper Canada were merely a young healthy province, with no protection on the continent of America but its character, its industry, and the agricultural difficulties it has to contend with; its filial attachment to its government; the bravery it has shown in its defence, and the mercy it has extended to its captured assailants, ought to be sufficient to make its aggressors ashamed of their late attempt to force upon their neighbours, institutions which they conscientiously and unequivocally reject. But when it is considered that Upper Canada is an integral portion of the British empire, and that the two countries are at this moment bound together by a solemn treaty of peace, the faithless attack of citizens of the United States upon the province, after it had completely quelled a slight domestic insurrection, will, if persisted in, excite feelings among the generous nations of Europe, which will add but little to the character of Republican institutions: for surely the smile of a nation should not be more dreaded than its frown, or its extended hand be more fatal than its uplifted arm.

When the facts just stated are clearly comprehended by intelligent men, how will the American citizens, who have so wantonly attacked the British empire, find it possible to explain, that the province of Upper Canada required them to interfere in its concerns?

But it seems now to be admitted, that our invaders have been deceived, that they falsely estimated the Canadian people, and that they have at last learned that the yeomen, farmers, militia, Indians, and coloured population of this province, prefer British institutions to democracy; nevertheless, as an *ex post facto* excuse for the sinful and repeated invasion of the province, it is urged that the crew of the Caroline steam-boat, which was captured more than fourteen days after Navy Island had been forcibly taken from us, have been "assassinated," and that "an extraordinary outrage" has been committed upon the Americans by our militia, who so ably and gallantly cut out that pirate vessel.

If Navy Island had been violently taken possession of by Canadian rebels, instead of by a body of Americans, armed, fed and commanded by American citizens; if these Canadian rebels had then thought proper to invade the United States, to break open half a dozen of their state arsenals; to rob each of many hundred stand of arms; to plunder from the American government twenty-two pieces of cannon, and to set the laws and authorities of the republic at defiance; could any reasonable man declare that we should offer, or that we could be supposed to intend to offer, any offence to our allies, if in a moment of profound peace, we were to pursue in the Niagara river, the guilty vessel which had transported to the island these American arms, and capture her, whether she were in British waters, in American waters, moored to the British shore, or to the American shore!—would it not be our bounden duty to the American people, to capture this pirate vessel!—and if we were to fail

to do so, mi-
committed u-

Again, sup-
stances of co-
for a moment
only as she c-
peril of their
it would be c-
the mind of a
destroying a
which had co-
so flagrantly
vessel of our
nation, surely
pieces of can-
employed for
but to our cer-
of committing

It is, howev-
turned out to
to control the-

It would not
vented Canada
authorities—a
it is considere
citizens to con-

In the histo-
crew) will, I m-
Canadian peop-
existing treati-
General Arcul-
the United Sta-
to control.

The fact that
adds to the ag-
crime of robber-
people or the A-
at all, for that
knowingly and
ican institution
(which are incre-
on board the C-

But supposin-
the commission
to be admitted b-
American shore
nean citizens, s-
mitted upon us
Canadians, after
22 pieces of can-
though the out-
would have been
attack upon a fr-

There are two
1st. That it is

2d. That if the
a friendly power,
wealthy, defence-

I have felt it
against the unpri-
tants from the un-
by the federal go-
Caroline.

The memoir of
country, which I
for although the
dice, particularly
to it, its judgment

The struggle o-
which Upper Can-

It had been ver-
government indig-
required here arti-
With a view to

UPPER
CANADA.

No. 26.

Sir F. B. Head to
Lord Glenelg,
6 March 1838.

Encl. in No. 26.

to do so, might not our allies hold us responsible for acts of such unprovoked aggression committed upon them by British subjects, inhabiting a British island?

Again, supposing that the Americans were to co-operate with us (as under such circumstances of course they would have done,) in chasing this pirate vessel, could it be supposed for a moment that each power would only be permitted by the other to capture her, so long only as she continued in their own half of the river: and that if our British boatmen, at the peril of their lives, were to capture the vessel in American waters, or on the American shore, it would be considered by the Americans as a "violent outrage"? There can be no doubt in the mind of any reasonable man, that we should only perform our duty to the Americans by destroying a vessel belonging to our own islanders, which had so grossly insulted them—which had completely overpowered their government—and which, in a moment of peace, had so flagrantly violated the laws of nations. And if we should be justified in capturing the vessel of our islanders on account of the wrongs they had perpetrated upon the American nation, surely we should have additional right to do so on our own account, if the 22 pieces of cannon forcibly wrested from the American government had not only been employed for a fortnight in firing from the island upon the peaceable subjects of Her Majesty, but to our certain knowledge were about to be transported to our main land for the purpose of committing murder, arson, and robbery in this province!

It is, however, declared by our allies, that because these lawless possessors of our island turned out to be American citizens, and because their own government was totally unable to control them, the capture of their vessel by us became a "violent outrage."

It would not have been considered by them an outrage had we, by force of arms, prevented Canadian islanders from violating American arsenals—from insulting American authorities—and from firing 22 pieces of the United States' cannon upon British subjects; but it is considered as an outrage for us to prevent an American vessel from enabling American citizens to commit these unparalleled aggressions.

In the history of this province, the capture of the *Caroline* (whoever might have been her crew) will, I maintain, be respected by future ages, as a noble proof of the sincerity of the Canadian people to fulfil their engagements, by crushing a pirate force, which, in violation of the existing treaties, was insulting from a British island their American allies, and which General Arcturarius, Governor Mason, Governor Marcy, the President, and Legislature of the United States, had absolutely found too powerful for the executive force of the Republic to control.

The fact that the pirate force was composed of and commanded by American citizens, adds to the aggression committed against the Canadians, but subtracts nothing from the crime of robbery perpetrated upon the United States' arsenals, unless indeed the American people or the American authorities should deem it proper to declare that it was no robbery at all, for that the aggression was approved of, that the state cannon and state muskets were knowingly and wilfully lent to the invaders of Navy Island, for the purpose of forcing republican institutions upon the people of Upper Canada, and that under these circumstances, (which are incredible,) the attack of Canadian militia upon the American citizens who were on board the *Caroline* was an "extraordinary outrage."

But supposing for a moment this false reasoning to be unanswerable—supposing even that the commission of the outrage were to be admitted by the Canadians—and that it were also to be admitted by them that the capture, by Canadians, of a small steam-boat moored to the American shore was an outrage equal in magnitude to the capture of Navy Island by American citizens, still to make the Canadian outrage as flagrant as that which had been committed upon us by citizens of the United States, it would have been necessary for the Canadians, after they had taken possession of the *Caroline*, to have fired from her deck with 22 pieces of cannon, for more than a fortnight, upon the American shore; and even then, though the outrages would certainly have been rendered apparently equal, still the former would have been an outrage of retaliation upon an enemy, the latter an outrage of unprovoked attack upon a friend.

* There are two facts which the American nation have not power to deny.

1st. That it is their interest as well as their duty to fulfil their treaties.

2d. That if their people be permitted to rob the United States' arsenals in order to invade a friendly power, the lawless body will very soon find out that it is easier to plunder their own wealthy, defenceless citizens, than the poor, brave, well-armed people of Upper Canada.

I have felt it to be the especial duty of the legislative station I hold, not only to protest against the unprincipled invasion of this province by its allies, but to vindicate the inhabitants from the unreasonable accusation which, without due inquiry, was made against them by the federal government of the United States, of having "assassinated" the crew of the *Caroline*.

The memoir of the attack which has just been made upon us offers a moral to the mother country, which I feel confident will create throughout the empire considerable sensation; for although the old country is not without its share of human misapprehension and prejudice, particularly as regards its transatlantic possessions, yet when facts are clearly submitted to it, its judgment is always sound, and its verdict nobly impartial.

The struggle on this continent between monarchy and democracy has been a problem which Upper Canada has just solved.

It had been very strongly argued, even in England, that democracy was the only form of government indigenous to the soil of America, and that monarchy was a power which required here artificial support.

With a view to subvert this theory, the whole of the Queen's troops were allowed to retire

UPPER
CANADA.

No. 26.

Sir F. B. Head to
Lord Glenelg,
6 March 1838.

Encl. in No. 26.

from the province; and the result, as had been anticipated, was that the people of Upper Canada were no sooner left uncontrolled than they proclaimed themselves in favour of monarchical institutions. Surrounded by temptations on almost every side, they indignantly rejected them all; in a few hours they successfully put down insurrection in their own land, and when American citizens, astonished as well as disappointed at their loyalty, determined to force them to become republicans, people of all religions and of all politics rushed to the frontier to die in defence of their glorious constitution.

The conduct of the militia of Upper Canada attracted the attention of the gallant and loyal inhabitants of New Brunswick and Nova Scotia, whose legislatures have done themselves, as well as this province, the honour of promptly expressing their unqualified approbation of the attachment which has been evinced here to the British constitution.

When these facts shall arrive before the English people, and when they shall also have taken into their consideration the devoted and unaltered attachment which the British population of Lower Canada have evinced for our revered institutions, surely they will come to the conclusion that the concurrent opinions of Her Majesty's North American colonies respecting the relative advantages between monarchy and democracy in America must be sounder than their own can be, inasmuch as eye-witnesses judge more correctly than people can possibly do who are living 4,000 miles off.

The people of England will, I trust, not fail to admire the calmness, the resolution, the generosity, and the honourable subjection to their laws, which have distinguished the inhabitants of Upper Canada; and on the other hand, they certainly cannot fail to observe, that the republican project of our English reformers, namely, to make the people bit by bit responsible only to themselves, has ended in America by the government of the United States confessing its total inability to restrain the passions of its citizens, to guard its State arsenals, or to maintain its treaties with its oldest and most natural ally.

Lastly, The British people will, I trust, observe with considerable alarm that the leading advocates for organic changes in our institutions, are either at this moment lying in our gaols as traitors, or, from having absconded, are self-banished from the province; in short, that their pretended efforts to obtain in Upper Canada what they called "Liberty for the People," has ended in a most infamous and self-interested attempt to plunder private property, rob the banks, and burn to ashes the rising capital of their country!

With this experience before our eyes, I must confess I join with the Legislature and people of Upper Canada in shuddering at the abused name of "reform," just as we now recoil with abhorrence when we hear suddenly pronounced the word "sympathy."

As my successor is hourly expected here, I return to the mother country as I left it, totally unconnected with party or with politics; but in retirement I shall remember the lessons which the people of Upper Canada have taught me; and I feel it my duty to declare that I leave the continent of America with my judgment perfectly convinced that the inhabitants of Europe, Asia, and Africa, are right in their opinion that all men are not by nature equal; that the assertion of the contrary in America is a fallacy; and that talent, industry, and character, must elevate individuals, as they do nations, in the graduated scale of society.

May the resplendent genius of the British constitution ever continue to illuminate this noble land, and, animated by its influence, may its inhabitants continue to be distinguished for humility of demeanour, nobility of mind, fidelity to their allies, courage before their enemy, mercy in victory, integrity in commerce, reverence for their religion, and at all times, and under all circumstances, implicit obedience to their laws.

Honourable Gentlemen, and Gentlemen, farewell!

— No. 27. —

(No. 24.)

COPY of a DESPATCH from Lieutenant-Governor Sir F. B. Head, Bart., to
Lord Glenelg.

My Lord,

Toronto, 6 March 1838.

I HAVE the honour to transmit to your Lordship copies of two messages which I have addressed to the two Houses of the Provincial Parliament; first, on the subject of the destruction of the Caroline steam-boat; second, on a communication which has been addressed to me by Sir Colin Campbell, Lieutenant-governor of Nova Scotia.

I have, &c.

F. B. Head.

Enclosure in No. 27.

Message from His Excellency the Lieutenant-Governor, with Despatch from Her Majesty's Minister at Washington, on the subject of the destruction of the Piratical Steam-boat Caroline.

F. B. Head.

The Lieutenant-governor transmits, for the information of the House of Assembly, in addition to the correspondence already communicated to the House, relative to the destruc-

Encl. in No. 27.

tion o
enclos
Majes

Gov

Sir
I ha
remain
and ny
Carolin
Mr. Fo
been a
merely
had be
the Am

To hi

Sir

Writ
the 5th
by a Ca
the Stat
which I
province

The p
and self
would se

At the
enforced
overborn
Upper C
injury an
to have
of their p

The H

Sir,

I HAV
cating a
Upper C
Canadian
State of N

The sta
communic
enter at p
obtain the
receipt of
for redres
rect staten
upon the
Sir Francis
expressed
taking par
municated
waiting for
by the ado
they have
states to in
of those m
Her Britan
ment on th

H. S. Fo

367.

AFFAIRS OF LOWER CANADA, &c.

119

UPPER CANADA.

No. 27.

Sir F. B. Head to
Lord Glenelg,
6 March 1838.

Encl. in No. 27.

tion of the piratical steam-vessel Caroline, the accompanying copy of a despatch and its enclosures, which he yesterday received from his Excellency Henry S. Fox, esq., Her Majesty's minister at Washington, on that subject.

Government House, 8 March 1838.

Sir,

Washington, 17 February 1838.

I HAVE the honour herewith to enclose, for your Excellency's information, copies of the remaining correspondence that has passed between the United States Secretary of State and myself, upon the question of the capture and destruction of the piratical steam-boat Caroline, of the two previous letters from Mr. Forsyth to myself, referred to in any letter to Mr. Forsyth, herein enclosed, of the 6th instant; the first, that of the 6th of January, has been already communicated to your Excellency; the second, of the 19th of January, merely transmitted to me some further affidavits respecting the affair of the Caroline, which had been furnished to the American Government, and which have been since published in the American newspapers.

To his Excellency Sir F. B. Head, Bart.
&c. &c. &c.

I have, &c.
H. S. Fox.

Sir,

Washington, 6 February 1838.

WITH reference to the letter, which by direction of the president you addressed to me on the 5th and 19th ultimo, respecting the capture and destruction of the steam-boat Caroline by a Canadian force on the American side of the Niagara river, within the jurisdiction of the State of New York; I have now the honour to communicate to you the copy of a letter which I have received upon that subject from Sir Francis Head, Lieutenant-governor of the province of Upper Canada, with divers reports and depositions annexed.

The piratical character of the steam-boat Caroline, and the necessity of self-defence and self-preservation under which Her Majesty's subjects acted in destroying that vessel, would seem to be sufficiently established.

At the time when the event happened, the ordinary laws of the United States were not enforced within the frontier district of the State of New York. The authority of the law was overborne publicly by piratical violence: through such violence Her Majesty's subjects in Upper Canada had already severely suffered, and they were threatened with still further injury and outrage. This extraordinary state of things appears, naturally and necessarily, to have impelled them to consult their own security, by pursuing and destroying the vessel of their piratical enemy, whosoever they might find her.

I avail myself of this occasion, &c. &c.

The Hon. John Forsyth.

(signed) H. S. Fox.

Sir,

Department of State, Washington, 13 February 1838.

I HAVE the honour to acknowledge the receipt of your note of the 6th instant, communicating a copy of a letter from Sir Francis Head, Lieutenant-governor of the province of Upper Canada, respecting the capture and destruction of the steam-boat Caroline, by a Canadian force, on the American side of the Niagara River, within the jurisdiction of the State of New York, together with the reports and depositions thereto annexed.

The statement of the facts which these papers present is at variance with the information communicated to this Government respecting that transaction; but it is not intended to enter at present upon an examination of the details of the case, as steps have been taken to obtain the fullest evidence that can be had of the particulars of the outrage; upon the receipt of which it will be made the subject of a formal complaint to the British Government for redress. Even admitting that the documents transmitted with your note contain a correct statement of the occurrence, they furnish no justification of the aggression committed upon the territory of the United States—an aggression which was the more unexpected, as Sir Francis Head, in his speech at the opening of the Parliament of Upper Canada, had expressed his confidence in the disposition of this Government to restrain its citizens from taking part in the conflict which was raging in that province; and added, that having communicated with the Government of the State of New York, and with yourself, he was then waiting for replies. It is not necessary to remind you, that his expectations have been met by the adoption of measures on the part of the United States, as prompt and vigorous as they have been successful in repressing every attempt of the inhabitants of the frontier states to interfere unlawfully in that contest. The most serious obstacle thrown in the way of those measures was the burning of the Caroline, which, while it was of no service to Her Britannic Majesty's cause in Canada, had the natural effect of increasing the excitement on the border, which this Government was endeavouring to allay.

H. S. Fox, Esq. &c. &c.

I avail myself of this occasion, &c.

(signed) John Forsyth.

357.

R 2

UPPER
CANADA.

No. 27.
Sir F. B. Head to
Lord Glenelg,
6 March 1838.

Encl. in No. 27.

120

CORRESPONDENCE RELATIVE TO THE

Washington, 16 February 1838.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 13th instant, relating to the question of the capture and destruction of the piratical steam-boat Caroline.

Although I cannot acquiesce in the view which the United States Government are disposed to take of the facts connected with that transaction, yet, as this legation is not the final authority competent to decide the question on the part of Great Britain, and as you inform me that a representation will, in due time, be addressed to Her Majesty's Government in England, I consider it most consistent with my duty to avoid entering at present into any controversy upon the subject. It will remain for Her Majesty's Government at home, when the whole evidence of the case shall have been produced, to form such deliberate resolution thereupon, as reason, honour, and justice shall dictate.

I avail myself of this occasion to renew to you, &c. &c.

The Honourable John Forsyth.

H. S. Fox.

Mr. Secretary Joseph brought down from his Excellency a message—certain resolutions from the Legislative Council of Nova Scotia.

Sir,

Government House, Halifax, 6 February 1838.

At the request of the Legislative Council of this province, I have the pleasure to transmit to your Excellency the enclosed resolutions of that honourable body, expressing their high admiration of the energetic measures adopted by your Excellency to suppress the recent rebellious outbreak in Upper Canada, and offering their thanks to Colonel Allan Napier MacNab, and the militia under his command, for their gallant conduct on that occasion.

I have, &c.

C. Campbell.

His Excellency Sir Francis Bond Head, Bart., &c. &c. Toronto.

Legislative Council Chamber, 29 January 1838.

On motion of Mr. Stewart, seconded by Mr. Ousley,

Resolved unanimously, That while the members of this House view with the deepest regret the existence of rebellion in the provinces of Lower and Upper Canada, they cannot refrain from expressing the gratification they have derived from those warm and animating displays of universal loyalty and attachment to the British constitution and government, to which it has given occasion throughout the British North American colonies.

Resolved unanimously, That the grateful acknowledgments of this House ought to be immediately conveyed to his Excellency Sir Francis Bond Head, the Lieutenant-governor of Upper Canada, for the penetration with which he discovered, and the firm, prompt, and energetic manner in which he baffled and defeated, the mad designs of traitorous men to rob and murder those who prefer the blessings of the British government to republican institutions, but more especially for the noble-minded reliance upon the courage and loyalty of the people alone, by which he was enabled to render most important aid towards the suppression of the unnatural rebellion in Lower Canada.

Resolved unanimously, That the thanks of this House are also due to Colonel Allan Napier MacNab and the loyal militia of Upper Canada for their gallant conduct in crushing in its infancy this rebellious attempt, and in exhibiting a noble example of the spirit with which Her Majesty's North American subjects are determined to preserve their connexion with their mother country, and to put down all endeavours to weaken or destroy it.

Resolved unanimously, That this House view with astonishment and regret the support and assistance which in a time of profound peace and amity between the two Governments have been afforded to the expatriated rebels by many citizens of the American Union, and this House trusts that the efforts of the general Government of the United States will not be remitted until such of its citizens as have been guilty of so unjustifiable a violation of the existing treaty and the laws of nations shall be punished with that severity which they deserve.

Resolved unanimously, That while this House recognise in the British soldier that devotion to his Sovereign and country which has led to the effectual suppression of the rebellion in Lower Canada, and also to a long and dreary march at this inclement season, they cannot but rejoice that the absence of the troops from the Upper Province has afforded gratifying and irresistible evidence of the deep-rooted attachment of the people to the British constitution.

Resolved unanimously, That an humble Address be presented to His Excellency the Lieutenant-governor, praying that he will be pleased to transmit these Resolutions to His Excellency Sir Francis Bond Head, the Lieutenant-governor of Upper Canada.

John C. Halliburton, Clerk.

HE

16 February 1838.
the 13th instant, relating
boat Caroline.
Government are disposed
negation is not the final
tain, and as you inform
Majesty's Government in
ing at present into any
ernment at home, when
ch deliberate resolution

cc. &c.

H. S. Fox.

ge—certain resolutions.

ax, 6 February 1838.
the pleasure to transmit
y, expressing their high
to suppress the recent
Colonel Allan Napier
ct on that occasion.
have, &c.

C. Campbell.

29 January 1838.

view with the deepest
er Canada, they cannot
e warm and animating
ion and government, to
colonies.

this House ought to be
the Lieutenant-governor
the firm, prompt, and
s of traitorous men to
ernment to republican
the courage and loyalty
rtant aid towards the

due to Colonel Allan
ir gallant conduct in
noble example of the
ained to preserve their
eavours to weaken or

and regret the support
n the two Governments
American Union, and
nited States will not be
fiable a violation of the
at severity which they

ritish soldier that devo-
ression of the rebellion
ent season, they cannot
has afforded gratifying
people to the British

to His Excellency the
ese Resolutions to His
er Canada.

H. Halliburton, Clerk.

AFFAIRS OF LOWER CANADA, &c.

— No. 28. —

(No. 28.)

COPY of a DESPATCH from Sir F. B. Head, Bart., to Lord Glenelg.

My Lord,

I HAVE the honour to transmit to your Lordship a copy of an address which was read to me this day while seated on the throne by The Speaker of the House of Assembly.

I have, &c.

(signed) F. B. Head.

Enclosure in No. 28.

May it please your Excellency,

We, Her Majesty's most dutiful and loyal subjects the Commons of Upper Canada, have granted to our Sovereign Lady the Queen, the supplies necessary to enable Her Majesty to carry on the civil government of this province for the present year.

Upon looking back at the various important communications which have been made by your Excellency to the House of Assembly during the present session, we cannot but congratulate you and the country upon the firm and noble attitude assumed by your Excellency in all those public documents which have emanated from your Excellency.

When we reflect upon the serious occurrences that have taken place in Upper Canada and upon its borders within a few months past, and upon the distinguished part taken by your Excellency to maintain the honour and interests of our country during that short but eventful period, we find equal cause of gratulation. Rebellion has been crushed; the attacks of perfidious citizens of a foreign power have been repelled; and peace reigns triumphant within the bounds of your Excellency's government. We trust that the provisions of the militia law, to which your Excellency has just given the royal assent, may, under Divine Providence, contribute to the preservation of this loyal portion of the British Empire from the aggression of all enemies, whether foreign or domestic.

From the message of your Excellency transmitted to both Houses of the legislature, we have too much reason to believe that the present will be the last time we ever shall have the honour of meeting your Excellency on an occasion like the present. In the name of the people of this province, I offer to your Excellency the expression of their deep regret that your Excellency should have felt constrained to tender to Her Majesty your resignation of the government of this province, which your Excellency has administered with so much credit to yourself, and advantage to the country. The people of Upper Canada will ever retain a grateful recollection of the services of your Excellency; and they feel assured your Excellency will meet with a due reward at the hands of our youthful and beloved Queen.

It now only remains for me to present to your Excellency, for the royal assent, the bill to provide for the support of the civil government of this province for the current year.

Encl. in No. 28.

— No. 29. —

(No. 32.)

COPY of a DESPATCH from Sir F. B. Head, Bart., to Lord Glenelg.

My Lord,

Upper Canada, Toronto, 12 March 1838.

I HAVE the honour to transmit to your Lordship, in compliance with the request of the Legislative Council, the accompanying address from that House to the Queen, on the state of the province, which your Lordship will be pleased to lay at the foot of the throne.

I have, &c.

(signed) F. B. Head.

Enclosure 1, in No. 29.

To his Excellency, Sir Francis Bond Head, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, and Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency:

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, have agreed to an humble address to Her Majesty on the state of the Province, which we respectfully pray your Excellency will be pleased to transmit to the Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

Encl. 1, in No. 29.

Legislative Council Chamber, 1 March 1838.

J. B. Robinson.

UPPER
CANADA.

No. 28.

Sir F. B. Head to
Lord Glenelg,
6 March 1838.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 2, in No. 29.

Enclosure 2, in No. 29.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign:

WE, Your Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada in Provincial Parliament assembled, humbly beg leave to address ourselves to Your Majesty upon the difficulties which have lately surrounded this Colony.

In the adjoining Province of Lower Canada a long course of yielding policy has ended, as the loyal inhabitants of that Colony were persuaded it must end, in open rebellion. For many years past the representatives of our Sovereign in that Province have hesitated to give effect to the Constitution, and to enforce the principles of justice; one indignity after another has been borne by them, with a forbearance which has had no other effect than to diminish respect for their authority; concession has followed concession, involving in some instances the violation of important principles, until at last the friends of the Crown knew not what institution of the Government they could venture to sustain with confidence, and the avowed enemies of British rule saw no object which they might not hope to gain by insolence and clamour.

The yielding to unjust demands, intemperately urged, does not beget friendship; and it was natural that the deluded inhabitants of Lower Canada should transfer their attachment, as they have done, from the Government which surrendered its prerogatives to the pretended patriots who in their name boldly and successfully assailed them.

Reasoning from the experience of the past, their turbulent leaders were encouraged to hope that there was no change, however destructive it might be of British supremacy, which they might not accomplish by assuming the language and demeanour of defiance. They have, accordingly, so inflamed the minds of an ignorant peasantry by violent harangues and publications, that they have driven them at last to actual rebellion, when it is probable that they intended and hoped to effect their purpose by merely holding out a threatening appearance. Happily this rebellion has been promptly suppressed by the vigorous measures of Lieutenant-general Sir John Colborne, the commander of Your Majesty's forces, but not without a loss of life, especially on the part of the insurgents, which we fully believe would have been avoided by a firm and just exercise of the powers of Government in former years. In order to have discountenanced effectually the efforts of the factious, nothing more, we are persuaded, was necessary than the holding out to them a timely and unequivocal warning that the principles of the British Constitution would assuredly be supported, if necessary, by the power of the British Empire.

The anxiety with which the inhabitants of Upper Canada have regarded the events to which we refer is sufficiently accounted for by the relative position of the two Provinces. Lower Canada interposes between us and the ocean, and it is only by passing through it that we can have access to any other portion of Your Majesty's dominions, without depending on a right of egress through a foreign state. But we assure Your Majesty that other feelings besides the sense of danger to ourselves have prompted us to look with extreme concern upon the late conflict in that Colony. We deeply sympathized with 150,000 of our fellow-subjects, whose lives and properties, it is now become manifest, were in imminent danger of total destruction, from the inveterate hatred of British rule which has sprung up in proportion as the confidence which they were accustomed to repose in the protection of their Government has been suffered to be shaken. It must have been most gratifying to Your Majesty to learn, that in the absence of direct reinforcements from England, it was found not imprudent to withdraw from the other British colonies on this continent whatever regular forces had been stationed in them; and it cannot but tend to raise the character of this Province, that its Government could with safety be left thus destitute of military aid at a time when rebellion was raging in the adjoining colony, and after the people of Canada had been traitorously incited by certain members of the Imperial Parliament to throw off their allegiance to their Sovereign and to resort to violence, if it should be necessary, for overturning the Constitution which we had received by the solemn Act of the British Parliament. Except, indeed, for the encouragement which our apparently defenceless state has given to some lawless people on our frontier, it is perhaps not to be regretted that at so critical a period the inhabitants of Upper Canada should have been left to defend their country and institutions without the assistance of a military force, Your Majesty's Governor of this Province had ventured to give a manly and open support to British interests and principles; he had not distrusted the inclination of a loyal people to support the Throne, nor hesitated to refuse co-operating with those who were labouring to subvert our Government. By this natural and honourable course he had deprived agitation of its hope, and had given assurance and animation to the loyal. It was fortunate that an impressive example should be given of the soundness of a policy which had for its basis a firm reliance upon the wisdom and justice of British institutions, and a generous confidence that the people whom he governed had the sense to appreciate and the virtue to uphold them. No system of policy ever had a fairer trial; encouraged by the existence of rebellion in the adjoining Province, and hoping for aid from the people of a foreign state, the enemies of British rule ventured to throw off all disguise and to raise their traitorous arms against a Government to which they had sworn allegiance. But the effort was no sooner made than it was signally defeated; thousands of Your Majesty's subjects rushed instantly to the support of your Royal authority and of the laws, and in many of the most populous districts of this Province not

a single

a single
this co
In
vered
and o
of the
the Br
Wh
suppre
observ
undis
insurge
intende
beyond
made,
the pa
tated a
threate
their ov
Upon
Americ
peace a
slighte
artillery
remaini
vince.
to be w
that the
with G
charging
more pr
character
abd to a
despise
and, mo
difficult
entire u
effectual
It can
this Pro
the mon
occasion
It is
were of
day, in t
of accou
attempt
their own
neighbour
repeated
an act of
denied to
With
hostile p
will it be
have don
have conf
impulse v
the people
last relic
It has
States ap
monarchy
truth, the
liberty, a
least so m
of matters
themselves
embark w
people of
choose. I
that the m
laws and
than once
of the wh
arming the
657.

a single individual was found to countenance the wicked and ungrateful attempt to separate this colony from the British Empire.

In the progress of these disturbances, however, an unlooked for danger suddenly discovered itself, of a much more formidable character than those which had been surmounted, and one that opened new and startling considerations to the inhabitants of this Colony and of the British Empire.

While Your Majesty's forces and your loyal subjects in Lower Canada were engaged in suppressing as causeless a rebellion as ever was fomented among a deluded people, we observed with astonishment, that in the adjacent parts of the United States of America undisguised efforts were made to create among the people a strong feeling in favour of the insurgents. Public meetings were held, in which it was declared that nothing more was intended than an expression of sympathy, but the results of such meetings went very far beyond this avowed intention. Arms were collected, and contributions of various kinds made, for the benefit of those who were in actual rebellion against their Sovereign; and, under the palpably disingenuous pretext of defending themselves against a people who never meditated an infringement of their rights, American citizens were seen rising in large bodies, and threatening the peace and security of a British Colony, regardless alike of the injunctions of their own Government and of the express provisions of their laws.

Upon the frontiers of this Province the inhabitants of several of the United States of America have carried their hostilities to a much greater length; and, while the relations of peace subsisted between the Republic and Great Britain, and when there remained not the slightest communion among our people, they have not scrupled to arm themselves with artillery and weapons plundered from the public arsenals of their own country; and, remaining embodied for many weeks, have carried on a piratical warfare against this Province. Independently of those considerations of national honour and duty, which ought not to be without their weight in the United States of America, we cannot believe it possible that the Government or people of that country can desire to involve themselves in a war with Great Britain; and we will not, therefore, incur the hazard of doing injustice by charging them with insincerity, because this extraordinary and sudden outbreak was not more promptly curbed. It has indeed appeared to us, that a desire to vindicate their national character, to prevent their citizens from inflicting undeserved injury upon a friendly people, and to avert a war with an empire certainly too just and too powerful to be either hated or despised, might have furnished sufficient motives, both of morality and policy, for greater and more immediate exertion than appeared to be made; but we know too little of the difficulties which may have impeded the prompt interference of the Federal Government, to entitle us to conclude that nothing effectual was for a long time intended, because nothing effectual was done.

It cannot however, we are persuaded, be said with sincerity by any of the inhabitants of this Province, that the government of the State of New York has seemed to them to act, in the moment of anxiety and danger, with the firmness and good faith that befitted the occasion.

It is true that they condemned the outrages of which we complained; but, although these were of the most flagrant kind, they were nevertheless committed by their citizens in open day, in the presence of their public authorities; and though, in order to procure the means of accomplishing them, the arsenals of the state were plundered of artillery and arms, no attempt at energetic interference seemed to be made. The insult offered by their citizens to their own laws appeared to be patiently submitted to, while the injuries inflicted upon their neighbours were expected to be as patiently borne, and the vigilance that slumbered during repeated acts of aggression by their people, first showed itself in an exciting appeal against an act of self-defence on the part of this Province; which, when truly described, cannot be denied to be reasonable and just.

With respect to that portion of the American people who have taken a direct part in these hostile proceedings, nothing can be said that will in any degree palliate their conduct; nor will it be easy to wipe off the reproach which it brings upon their nation. Avowing, as they have done, their intention to divide among themselves the lands of this Province, they have confessed the principal object of their warfare to be plunder; but the more general impulse which has enlisted the aid of multitudes in their cause, is the declared desire to free the people of this Colony from subjection to Your Majesty, and to drive what they call the last relic of monarchical government from this continent.

It has astonished us to observe, with how little scruple these lawless citizens of the United States appear to proclaim and act upon the principle, that any rebellion of the subjects of a monarchy is proper to be encouraged as a struggle for freedom; as if it were an undeniable truth, that even a limited monarchy, however carefully balanced, is incompatible with liberty, and can only be submitted to by a people under restraint. They should show at least so much deference for the rights of their neighbours as to allow them to judge of matters which concern their own happiness and welfare: but, while they profess to value themselves chiefly upon having what they call a government of their own choice, they embark without hesitation in the intolerant attempt to impose, by force of arms, upon the people of Upper Canada, a form of government which it is perfectly evident they do not choose. Living upon the very frontiers of this Province, these people cannot be ignorant that the maintenance of our connexion with Great Britain, and an avowed preference for her laws and institutions, are the very points upon which our population have lately more than once rallied, and by an almost universal suffrage. With the spectacle before them of the whole male adult population of this country rising almost without exception, and arming themselves with eager resolution to support the authority of their Sovereign, they insist



2



3

4

5

6

7

8

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1836.

Encl. 2, in No. 29.

124

CORRESPONDENCE RELATIVE TO THE

insist upon it that the wishes of a few fugitive traitors, whom they and some recreant British subjects in England have taken under their especial patronage, shall prevail over the almost universal desire of the people of Upper Canada.

When these citizens of the United States speak of bringing to us the boon of republican institutions, they seem to imagine that they will be regarded as offering to extend to the people of Upper Canada some newly discovered blessing, not considering that republics of the purest cast have been seen to run through the several stages of democracy, anarchy, and despotism, even before the commencement of the Christian era, and that too, in ages and countries renowned for philosophers and statesmen. They forgot also, that in our own generation, we have had an opportunity of observing in the fairest portion of the continent of Europe the same process, though not exactly in the same order, until at last, under the government of a limited monarch, comparative peace, justice, stability and repose have returned to a land which had been long desolated by the worst miseries of domestic and foreign war. When the people of a country profess it to be the fundamental principle of their own institutions that the will of the majority shall govern, and at the same time are seen rushing to arms for the purpose of enabling a feeble minority in a neighbouring province, with whose concerns they have nothing to do, to prevail against the will of the majority, we cannot fail to observe how nearly democracy is allied to tyranny, and how little it has changed its nature in modern times.

Nevertheless, it is with regret that we declare to Your Majesty, that powerful as may be the means which the United States possess, from their great population and wealth, of forcing upon your Majesty's subjects in these Colonies a form of government which their inclination, no less than their duty, leads them to reject, their ability successfully to resist it is in greater danger from another cause. We have observed with concern that among our fellow-subjects in the United Kingdom, there are many who have too readily taken up the opinion that in this new world, the forms and restraints of monarchical government must be distasteful to the people; that nothing but republican doctrines and practices can be congenial to the inhabitants of this continent; that all attempts to repress the supposed inclination in their favour are so many struggles against nature; and that in process of time, as our people become numerous, and can claim the privilege of being governed as they please, they will certainly insist upon becoming republicans.

There is nothing more evident than that these impressions, which we believe to prevail with many of our fellow-subjects in England, are erroneous, and the error is one which we fear may prove most injurious to our future happiness and security.

It has seemed to us on some occasions to paralyze the efforts of the undoubted friends of monarchy in the great council of the nation, and to cause the vindication of the principles of our constitution, when they are assailed in the Imperial Parliament, to be usually undertaken in a tone of despair, with so many concessions and qualifications as to what it may be necessary to surrender in future, and with so apparent a readiness to admit that other principles must be expected to prevail in time, that British subjects, really attached to their Government, seem to be enjoying their constitution only until the period shall come, when those in England, who seem habitually to distrust the wisdom and propriety of maintaining a monarchical government in these colonies shall have raised by their encouragement a sufficient number of advocates of other principles to warrant their giving to them their open and active support. It is with pain we state to Your Majesty, that not a few of the acts of the Colonial Department have seemed to us to be evidently influenced by this error which we deplore; and it is an error which we seriously fear may prove fatal to the connexion of these Provinces with Great Britain, and no less fatal to their own peace and welfare.

We have some hope, however, that what is now taking place in these Colonies may lead to sounder views; for a more striking and convincing testimony to the advantages of monarchical government, was perhaps never afforded, than may be gathered at this moment, by observing the conduct pursued and the sentiments expressed, throughout the British North American provinces. In the midst of a struggle which still threatens to bring upon them the unequal force of the American republic, the people of these Colonies are not merely faithful to their Government, but they are animated by a zealous feeling of loyalty, which prompts them to undergo every privation and danger necessary to be encountered for supporting their constitution and laws. Living on the borders of a country where the great experiment of governing by the will of the people, or rather, of forbearing to govern in deference to their will, has been long tried on the largest scale, they have seen nothing to make them discontented with their own political condition; they feel themselves to be quite as free as the citizens of the neighbouring republic, and in many cases more so, and they believe that their form of government confers greater stability on their civil institutions, guards better their religious liberty, assures more power to the laws, protects life, reputation, liberty and property with greater steadiness and certainty, and insures the observance of a just respect for the rights of their neighbours, more effectually than can be done in any country where the popular will must govern, however irregularly exerted. They do, accordingly, prefer their own constitution, not coldly in the mere exercise of their judgment, but they defend it with an affectionate attachment which deserves the warmest encouragement and support of Your Majesty and of the British empire.

To say nothing of the Colony which we ourselves inhabit, we ask those who are either themselves insensible to these feelings, or who have falsely imagined that they could find no home on the North American continent, to look at this moment upon the noble provinces of Nova Scotia and New Brunswick, and to point out any portion of Your Majesty's United Kingdoms,

King
can
Y
affo
alth
arist
T
unin
grad
spir
our
Unit
Youn
we t
may
the
atten
the s
W
beco
peop
down
the P
open
occa
made
grate
We
beco
from
be ad
cold
decis
We
dom h
made
safety
The
defend
the en
be use
have b
The
feel m
illustr
Canada
interio
from th
Britain
We
for the
want of
war.
In th
which a
regard
felt that
opinion
have do
not offe
It car
to the a
Colony
anxiety
confide
reliance
suited to
No im
being fir
wishes
subjects
We be
person at
Legisl
2
357.

AFFAIRS OF LOWER CANADA, &c.

125

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 2, in No. 29.

Kingdoms, where veneration for the Throne and attachment to the principles which can alone support it, are avowed with greater earnestness and pride.

Your Majesty's loyal subjects in America see in the protection which a limited monarchy affords to rational liberty, such inestimable advantages as secure their most faithful devotion, although they are far removed from the immediate influence of an enlightened and benevolent aristocracy, and from the splendour which surrounds the presence of Royalty.

Their most anxious desire is, that they may be allowed to preserve this constitution unimpaired. They find it exposed to danger from two sources; first, to the danger of being gradually undermined by changes assented to by the Colonial Department in a mistaken spirit of concession; and, in the next place, to the danger which threatens at the same time our connexion with the British Crown, namely, the violent interference of the people of the United States in our concerns. With regard to the first danger, we respectfully entreat Your Majesty to consider, that the remedy lies entirely within Your Majesty's power; and we think we urge no unreasonable desire, when we earnestly implore Your Majesty that we may be secured against the risk of those principles, in which the strength and excellence of the British constitution consist, being surrendered from an unmanly fear, or from the rash attempt to create a new and better system of government than has been hitherto known to the subjects of Great Britain.

With respect to the second danger, your Majesty will learn with astonishment, that it becomes daily more alarming. Whatever may be the cause, the violation by the American people of their friendly relations with Your Majesty is so far from being effectually put down by the interference of their government, that their preparations to invade and plunder the Provinces of Canada are reported at this moment to be carried on more extensively and openly than ever. But in the midst of the excitement which their preparations have occasioned, we have received the cheering intelligence of the prompt and decisive exertions made by Your Majesty for our protection, for which we tender to your Majesty our most grateful thanks.

We have never allowed ourselves to doubt that if ever the period arrived when it should become a question, whether these valuable Colonies should be tamely suffered to be wrested from the British Crown, or whether Your Majesty's loyal subjects who inhabit them should be aided in their struggle to avert that calamity, the question would not be determined upon cold calculations of interest alone, but that other and nobler sentiments would govern the decision.

We rejoice to learn, that Your Majesty's Government and the people of the United Kingdom have no hesitation as to the part to be pursued; and in the generous exertion now made for maintaining the integrity of the empire, we behold the assurance of our future safety and peace.

The proof which is thus unequivocally given of the determination of Your Majesty to defend these Provinces effectually from injury and insult, will for the present, we trust, avert the calamities of war; but we earnestly entreat Your Majesty that the season of peace may be used for providing a more adequate security against a recurrence of such dangers as we have been lately exposed to.

The anxieties to which the events of the last three months have given rise have made us feel more sensibly than ever the great debt of gratitude which this country owes to the illustrious Duke of Wellington, whose patriotism prompted him to add to the defences of Canada by the construction of that noble work the Rideau Canal, which has secured the interior of this country to the extent of 200 miles, by providing a navigable channel removed from the frontier, and connecting us directly with whatever resources the fleets of Great Britain can supply.

We earnestly hope that the other defences which it was at one time intended to construct, for the protection of our frontier, may be now proceeded in, under the conviction that the want of such defences is almost certain to invite hostilities, which must lead to a national war.

In the present remarkable crisis of the affairs of this Province, we have united in a report which accompanies this address, stating the views entertained by the Legislative Council in regard to the general interests of the Colony. If in some points of great moment we have felt that our duty to Your Majesty and to our fellow subjects has required us to express opinions at variance with the policy which has been pursued by the Colonial Department, we have done so without regard to considerations of party, and in the confidence that we shall not offend by avowing the anxiety we feel to protect our constitution from injurious changes.

It cannot be doubted that the circumstances in which Lower Canada is placed will lead to the adoption of some measures which may very materially affect the future condition of this Colony; but though we cannot contemplate these probable changes without extreme anxiety, we feel in common with our fellow-subjects in Upper Canada the most unlimited confidence in Your Majesty's desire to consult our happiness and prosperity, and an entire reliance upon the wisdom of the Imperial Parliament for devising such measures as are best suited to remedy existing evils.

No important change, we feel assured, will be suffered to be made without an opportunity being first afforded to the inhabitants of this Province to make known their opinions and wishes; and when this has been done we are persuaded that all classes of Your Majesty's subjects will cheerfully abide by the decision.

We beg to express on this occasion our assurances of entire devotion to Your Majesty's person and Government.

Legislative Council Chamber,
28 February 1838.

J. B. Robinson,
Speaker.

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

Enclosure 3, in No. 29.

REPORT from the Select Committee of the Legislative Council of *Upper Canada*, on the state of the Province.

THE SELECT COMMITTEE appointed to inquire into, and report upon the state of the Province, have agreed to the following Report :

The point of time in which this subject of inquiry has been submitted, is beyond comparison the most important to the future interests of its inhabitants of any that has occurred since Canada came under the dominion of the British Crown.

Some measures of a decisive character must, of necessity, be proposed in England, in consequence of recent events in this and the Lower Province; and upon the nature of those measures it depends whether Upper Canada is to be retained as a portion of the British dominions, and whether its inhabitants can look forward with confidence to a continuance of peace, and to the preservation of their present form of government.

In this very remarkable period in our history, the legislature has been suddenly convened in order to receive from his Excellency the Lieutenant-governor, an account of the suppression of an insurrection which was formidable in these several respects, viz. :—That it was not on account of any particular grievance or complaint, but had for its direct and avowed object the total subversion of the Government by an armed force, and the introduction of a democratic constitution; that among its leaders there were several Members of the House of Assembly; that efforts had been used to procure simultaneous risings in other parts of the province, and not without considerable success in the district of London; that the whole movement was clearly intended to be in co-operation with the rebellion which had broken out in the adjoining province; and that the insurgents reckoned upon foreign aid in their desperate enterprise, and not without reason, as events have proved.

By the prompt measures taken by his Excellency the Lieutenant-governor, by the zealous and faithful services of the militia, and the active exertions of people of all ranks and stations, this rebellion was speedily suppressed; and although many hundreds of the rebels were actually in arms in this district, and in the district of London, it was happily suppressed, almost without loss, on the part of Her Majesty's loyal subjects.

It is indeed evident that treasonable movements which had been long planned, and which were extensive in their character, were attempted to be put in execution prematurely, either from the fear that if deferred they were likely to be effectually counteracted, or from the temptation offered by some seeming and unexpected facility of carrying them at once into effect. It appears that the exigencies of the public service in Lower Canada having rendered it expedient to concentrate Her Majesty's regular forces at Montreal, his Excellency Sir Francis Head had no hesitation in complying with the request of Lieutenant-general Sir John Colborne, that the troops stationed in this province might be withdrawn; and the whole of the Queen's forces were without reserve sent to Lower Canada. It was not unknown that there were some restless agitators in this province, disaffected to the British Crown, who were industriously promoting the cause of rebellion, in appearance at least, by collecting and drilling parties of armed men in several quarters of the country, and particularly in the northern portions of the home district. Besides the information of these proceedings brought by the loyal inhabitants of the neighbourhood who were naturally alarmed by them, the movements of these traitors (for such they have since shown themselves to be) were openly proclaimed in seditious publications, with an evident design to force them upon the attention of the Government.

The first object of these unlawful meetings probably was to deter the Government from parting with the troops, by which means the double advantage would be gained, of serving the cause of the traitors in Lower Canada, and of exhibiting this province in the light of a disturbed country, which could be kept in order only by a military force.

After this object had been defeated by readily allowing all the troops to be withdrawn, the same illegal proceedings were continued, whether with the hope of creating a diversion of the forces from Lower Canada, or with the design of actually taking advantage of their absence, and endeavouring to subvert the Government, can now be best judged by the event.

It is not improbable, however, that one principal motive for this insulting display of armed force, was to drive the Government to the adoption of some precautionary measures, which might give to this province the appearance of being in a distracted state. By accomplishing this object the agitators knew that they would afford very acceptable encouragement to Mr. Hume, and one or two other accomplices in England, who have been adding to the difficulties of the Queen's Government, by shamefully abetting insurrection in Her colonies, and they may not improbably have hoped for some further advantage to their cause, by intimidating Her Majesty's ministers into unwise concessions, under the apprehension of new and formidable difficulties.

For reasons which have been stated to the legislature by his Excellency the Lieutenant-governor, these apparent preparations for revolt were long suffered to proceed, without an attempt being made to restrain them by public authority, until at length those who had a near opportunity of observing them being convinced that violence was intended, and apprehensions of this kind becoming very general, his Excellency issued a militia order,* directing officers commanding to call out their respective regiments, and to afford aid to the civil power in suppressing armed meetings.

This first signal of opposition on the part of the Government, seems to have incited the leader of the insurgents in this district to plunge his unhappy followers at once into crimes of the worst character; and there is abundant evidence that the plundering and burning of this

* Appendix (A.)

this
deme
It
peop
shiel
prop
Yo
when
tricts
neces
On
which
servi
(abou
M'Na
render
aided
disper
under
There
been a
other
crime,
Th
and w
short
The
circum
to the
defence
officer,
threat
striking
advigat
the m
men an
have at
It ca
Upper
the pub
more,
occasio
and to
On th
readily
consequ
Those
peace, a
under c
time an
Imperia
the Brit
balanced
these ob
One c
many w
remembe
fortunes
those pr
example
told them
But th
and plea
feeling o
the Gove
laid aside
the peop
macy of
the comm
of the co
population
In the co
become n
it has be
hardy, int
357.

this populous town was really meditated, and was only averted, by the blessing of Providence, upon the prompt measures taken by a brave and loyal people for its defence.

It is impossible to recall to mind without emotion, the alacrity and zeal with which the people of this, and the surrounding districts, mustered instantly around their Government to shield it from outrage, and to extend their protection to their fellow-subjects whose lives and property were endangered.

Your Committee are persuaded that they do not over-rate the prompt exertion thus made when they state, that in each one of the Home, Newcastle, Gore, Niagara, and London districts, there turned out upon this sudden summons more than twice as many men as were necessary for suppressing the rebellious movement.

On the third day after the breaking out of the rebellion, many large bodies of militia which were hastening from a distance to the capital, were allowed to return home, as their services were no longer required,* and of those who had already arrived, a large portion (about 500 men) were detached to the district of London, under the command of Colonel McNab, the Speaker of the House of Assembly, whose services on that occasion were rendered with much zeal and discretion. This force so opportunely pushed forward, being aided by numerous bodies of volunteers from all parts of that extensive district, instantly dispersed a large party of armed traitors who had risen in that quarter, and were embodied under Charles Duncombe, a member of the House of Assembly, and an American by birth. There, as well as in the home district, besides the number of suspected persons who have been apprehended and brought before the civil power, by the aid of the militia, and of the other loyal inhabitants, many hundreds have come voluntarily forward, acknowledging their crime, and requesting the protection and forgiveness of their Government.

Thus in a very few days, with scarcely any loss of life on the part of the loyal inhabitants, and with but few of the insurgents killed, a rebellion was suppressed, which might in a short time have grown to be really formidable.

The hand of a merciful Providence was most signally displayed in a number of favourable circumstances, which it would be impious to ascribe to chance, and which combined to give to the inhabitants of Toronto, at the hour of midnight, an opportunity to arm in their defence, and to make such preparation, under the direction of a most vigilant and gallant officer, Colonel Fitzgibbon, late Adjutant-general of militia, as served to avert the threatened danger. But in nothing perhaps has the goodness of Providence been more strikingly evident, than in the remarkable mildness of the weather, which at a season when navigation has usually been long closed, has permitted the uninterrupted use of steam-boats to the most distant ports on the lake, thus rendering easy and expeditious the transport of men and stores, and preventing the great suffering and inconvenience which must otherwise have attended this hasty assembling of large bodies of militia, from various parts of the province.

It cannot but be felt that this traitorous insurrection of a portion of the inhabitants of Upper Canada, is an event much to be regretted on some accounts. It has entailed upon the public a very formidable expense; an armed resistance to the Government, and still more, a direct attempt to overturn it, is pernicious as an example, and the sufferings occasioned by an enterprise of so criminal and desperate a nature to the guilty actors in it, and to their families, can hardly fail to excite compassion.

On the other hand, looking at its effects merely within the limits of this province, we must readily perceive that this extraordinary event is likely to be attended with some beneficial consequences of an important character.

Those restless and unprincipled agitators, who have for many years disturbed the public peace, and distracted the deliberations of the legislature, have either fled, or are imprisoned under charges of high treason. Left to themselves, unprovoked and perhaps for too long a time unresisted, this faction which has been patronized even by some Members of the Imperial Parliament, has at length unequivocally shown that their aim was to subvert the constitution which they had, most of them, sworn to maintain; to wrest this colony from the British Crown; and to substitute a turbulent and tyrannical democracy for our well-balanced form of Government. And they have given undeniable proof that in order to effect these objects, they were ready to rob, burn, murder and destroy.

One other beneficial consequence is the exposure of the innumerable falsehoods by which many were prevailed upon to take part in this abominable rebellion. These unhappy men remember by what pretences and assurances they were brought to commit their lives and fortunes to the hazard of success in this miserable cause. They now see how utterly false those pretences and assurances were, and it may be hoped that they, and others by their example, may be led to pause hereafter before they give credit to every base story that is told them, to the prejudice of their Government, and of its loyal supporters.

But there is nothing connected with this remarkable crisis upon which it is so satisfactory and pleasing to reflect, as the very striking proof it has afforded of the loyal and patriotic feeling of the great body of the people of Upper Canada. The instant it was known that the Government was threatened with violence, all distinctions of religion and country were laid aside, and with a noble ardour which can never be forgotten by those who witnessed it, the people rushed forward by thousands to put down rebellion, and to preserve the supremacy of the laws. While neither wealth nor station was felt to place the possessor above the common duty of opposing with arms this unnatural rebellion, the humblest inhabitant of the country gave also his services with cheerfulness; and none more so than the coloured population, whose brave, faithful, and steady conduct have entitled them to great credit. In the course of this service, and of the more arduous and protracted exertion which it has become necessary to make on our frontier, from causes to which we shall presently advert, it has been made most evident that Upper Canada possesses an inestimable advantage in the hardy, intelligent, and brave population which, for many years past, has been flowing to us from

per Canada, on the

on the state of the

mitted, is beyond

nts of any that has

osed in England, in
the nature of those
portion of the British
ce to a continuance

suddenly convened
unt of the suppress-
viz. :—That it was
direct and avowed
the introduction of a
mbers of the House
sings in other parts of
lon; that the whole
n which had broken
foreign aid in their

rnor, by the zealous
le of all ranks and
ndreds of the rebels
n, it was happily
ets.

planned, and which
prematurely, either
racted, or from the
g them at once into
ada having rendered
his Excellency Sir
utenant-general Sir
withdrawn; and the
Canada. It was not
ected to the British
arance at least, by
untry, and particu-
formation of these
ho were naturally
since shown them-
evident design to

e Government from
gained, of serving
ce in the light of a

as to be withdrawn,
creating a diversion
advantage of their
lged by the event.

g display of armed
ry measures, which
By accomplishing
encouragement to
non adding to the
n in Her colonies,
to their cause, by
pprehension of new

ey the Lieutenant-
roceeded, without an
th those who had a
was intended, and
ed a militia order,*
to afford aid to the

to have incited the
at once into crimes
ing and burning of
this

UPPER
CANADA.

No. 29.
Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

128

CORRESPONDENCE RELATIVE TO THE

from the United Kingdom. The loyalty of our native Canadians, which was conspicuous in the last war, is now aided by a host of spirited and zealous officers of all ranks, who have acquired experience in the army and navy of Great Britain, and by thousands of brave soldiers who have become settlers among us, and whose glory it is to devote their lives to the service of their Sovereign. With hands and hearts like these, a militia is soon rendered efficient and formidable; and it may be doubted whether any country, of equal population, has better materials for self-defence, than the province of Upper Canada. It is at least certain that no colony of Great Britain can ever have given a more decided proof of attachment to the Crown, and of a determination to support the constitution and laws. Absolutely destitute of military force of any description, in an extensive province, with nearly half a million of inhabitants, a rebellion, openly and actively supported by six or seven Members of the Assembly, and promoted by the most inflammatory appeals to the multitude in favour of popular government, has been promptly put down by the people themselves, at the same time that a formidable rebellion was raging in the adjoining colony.

Your Committee will not content themselves with a mere allusion to an event of such deep interest to the people of this province, as the recent insurrection in Lower Canada. In its progress and possible consequences Her Majesty's subjects in Upper Canada were directly concerned, and they have watched it with intense anxiety; it was not, as in this province, the consequence of the malice and folly of a few individuals influencing a comparatively small portion of the people. Feelings of national antipathy were brought into action, and large masses of the inhabitants excited to hatred of their rulers by incessant misrepresentations, were known to be preparing deliberately for a struggle, in which they hoped that their numbers would enable them to defy all the force which the Government had it in their power to bring against them.

In no part of the British empire have the blessings of a mild and just government been more fully enjoyed than in Lower Canada, and it was no less amazing than it was deplorable, to find that a few selfish and violent men could succeed in plunging a people, long characterised as a peaceable and inoffensive peasantry, into the guilt and horrors of a civil war. It has been a distressing spectacle to their fellow-subjects, to see these unhappy men rush wickedly and wantonly into a contest, in which success, if it had been achieved, must have been utterly ruinous to themselves and their posterity.

Their rebellion, as they might have anticipated, has been promptly subdued by the commander of Her Majesty's forces, but not without a formidable resistance, in which the gallantry of the troops and of the loyal volunteers of Lower Canada has been conspicuous, and in which the rebels have sustained great loss of life and property.

It is essential to the safety and prosperity of Upper Canada, that the supremacy of Great Britain should be firmly maintained in the adjoining colony; and the common tie of allegiance to the Crown, as well as sympathy with those of British origin whom the French population have attempted to oppress and treat as aliens, have naturally enlisted the feelings of the people of this province strongly in favour of the Royal cause. Our zealous militia were, in consequence, forward in their offers to serve in aid of Her Majesty's forces in Lower Canada, but happily their services have not been necessary to any considerable extent.

It is a peculiar disadvantage under which these two colonies labour, that from the month of November to May, they can receive no reinforcements direct from England. The instigators of the rebellion in Lower Canada therefore chose the autumn for commencing their operations, evidently, and indeed avowedly, with a view to this circumstance. Their colleagues in the traitorous attempt to wrest these provinces from the dominion of their Sovereign, thought it advisable to prepare for rebellion in Upper Canada at the same season. But it is most cheering to find that instead of a struggle, protracted with difficulty until the opening of the St. Lawrence could bring fleets and armies to our aid, the Royal authority was speedily and fully established, and all traitors and abettors of treason brought under subjection to the laws in both provinces, so that with but a slender military force in the one country, and with the militia only in the other, there was not an individual in arms against the Government, and not a portion of either province in which legal process could not be executed by the ordinary means.

Still it is unhappily not in the power of the people of either of the Canadas to congratulate themselves upon the return to perfect peace and tranquillity, and this from a cause most unexpected and extraordinary, and which opens new considerations of such moment to our future security and welfare that they cannot be too earnestly dwelt upon.

Scarcely had the rebellion began in Lower Canada, when it was painfully evident that among the citizens of the adjacent State of Vermont, a strong disposition was felt to encourage and promote it. If we look for motives to this unfriendly conduct, we can find none that are entitled to the respect or indulgence of mankind. Living upon the borders of Canada, these foreigners could not be ignorant that her inhabitants were not oppressed, but had in fact been treated, not merely with scrupulous justice, but with an injudicious indulgence beyond the bounds of right, an indulgence which had in truth encouraged the insolence of their factious leaders, and had begotten a feeling of contempt for the authority of a Government which had suffered itself to be driven into such unwise concessions.

No reproach lies against the Government of the United States, nor against that intelligent and respectable portion of society, which in well-ordered communities usually influences public conduct and feeling in matters of grave importance to the State.

The Federal Government, and the Governor of the State of Vermont, both earnestly remonstrated with their people against any interference in the affairs of a country with which they were at peace; and there were not wanting men of sense and virtue who early and sensibly exposed the injustice and gross impropriety of stimulating rebellion in a British colony. But it was their mortification to find that the turbulent propensities of too

many

many of
of their
obligation
Lower C
A port
by dissen
occurren
sooner h
without s
which the
attempted
defeats, a
leaders, u
in which
and repea
in arms ag
that the
submitting
loyal inha
newspaper
For son
threatening
followers t
British por
it, seemed
the people
permitted t
jury; that
established
than the pe
the world.
Canadians
must have
The peop
tion speak
were (with
that the
national an
participated
Whatever
uneducated
of Vermont
natural just
sinful as it
Contrary,
very numer
from British
rebellion; an
Canada was
gallant con
marauders o
brought from
These exte
felt by the I
encourage th
bourhood; a
on any futur
The manifi
the frontiers
lengths indee
with as much
that so outr
a century. I
Canada, we c
were destined
readiness to i
more than 20
peace and frie
time, not a
Speaking the
offices, and no
us on our gua
and intelligen
we believed
practice, was
essentially pac
357.

AFFAIRS OF LOWER CANADA, &c.

129

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 49.

many of their countrymen were not under the government of reason, and that great numbers of their people, acknowledging no restraint of justice or morality, and disregarding the obligation of treaties, were giving an open and active support to the cause of rebellion in Lower Canada.

A portion of the public press in that State has not scrupled to promote it systematically, by disseminating throughout the period of this unhappy contest, statements of reported occurrences not merely untrue, but bearing not the slightest resemblance to truth; and no sooner has time exposed one series of fabrications than another equally monstrous has without scruple been issued from the press. Within a few hours journey of a country with which they are at peace, and enjoying an unrestricted freedom of intercourse, their press has attempted to impose upon the public credulity by accounts deliberately invented, of victories, defeats, and cruelties, all contrived to further the views of the rebels and their worthless leaders, until at last the truth becomes too manifest to be denied, and at the end of a contest in which they had declared that hundreds of the Queen's troops had been killed and taken, and repeated successes gained by the insurgents, it is ascertained that those who had been in arms against the Government are utterly dispersed, and their leaders fled or in custody; that the French population acknowledging their delusion are giving up their arms and submitting to the laws, and that the whole loss sustained by the Queen's forces and the loyal inhabitants of Lower Canada in suppressing this rebellion, of which the Vermont newspapers have given such startling accounts, does not exceed a dozen men killed.

For some years past, while the intemperate leaders of the faction in Lower Canada were threatening open resistance to the Government, it has been their habit to hold out to their followers the hope of assistance from the United States. This was little regarded by the British portion of the population, to whom such a hope, if indeed the faction did entertain it, seemed as insane as any other part of their project. The inhabitants of Vermont knew the people of Lower Canada to be in reality a highly favoured people; that they had been permitted to enjoy their ancient system of laws, with the additional protection of trial by jury; that their religion is not merely tolerated to the utmost extent, but is expressly established in all its rights by legislative enactments, and that they are more lightly taxed than the people of any of the United States, or perhaps any other civilized community in the world. Indeed to every intelligent man on this continent, the unreasonableness of the Canadians in rebelling against the indulgent and powerful Government of Great Britain, must have been quite as manifest as their absurdity.

The people of Vermont knew all this well, and they knew besides that the whole population speaking the English language, including many thousands born in the United States, were (with a very few exceptions) ardent and firm in the support of their Government, and that the threatened disturbances in Lower Canada had really no other origin than a national antipathy to the British name, in which the descendants of Britons should not have participated.

Whatever irregularities may sometimes be excited in populous cities, among multitudes of uneducated and unemployed poor, it seemed not credible that the agricultural population of Vermont would really be found ready to violate the plainest rules of national law and natural justice, and to add to the miseries of the human race, by urging on a rebellion as sinful as it was hopeless.

Contrary, however, to the injunctions of their Government, meetings were held, and were very numerous attended, for the professed purpose of rescuing the inhabitants of Canada from British tyranny; arms and ammunition have been furnished to assist them in their rebellion; and it seemed at one time that the spirit of volunteering for a campaign in Lower Canada was likely to become extremely popular, when it received a timely check from the gallant conduct of a party of Missisquoi militia, who attacked and routed a body of marauders of three times their number, taking their cannon and other arms which they had brought from the State of Vermont.

These extraordinary and unlooked for proceedings have but strengthened the preference felt by the British inhabitants of Canada for their own civil institutions, which neither encourage the inclination nor leave them the power so to violate the laws of good neighbourhood; and they have had the further effect of giving timely warning of a danger, which on any future occasion will be less formidable from its not being wholly unexpected.

The manifestations of the same hostile feeling have been more general and decisive along the frontiers of Upper Canada, and have led to more serious consequences. To such lengths indeed have these unprovoked aggressions been carried, that it has been stated, with as much truth as force, in one of the most respectable journals of the United States, that so outrageous a violation of public rights has not been witnessed by civilized nations for a century. Even with the lesson before us of what was passing on the borders of Lower Canada, we did not harbour the suspicion that upon the frontier of our own province we were destined to witness a display of the same unfriendly feeling, and the same remorseless readiness to involve a peaceable and unoffending country in the calamities of war. For more than 20 years, the inhabitants of Upper Canada have lived on terms of uninterrupted peace and friendship with the citizens of the adjoining State of New York. During that time, not a complaint has been made of a duty violated, or an act of civility neglected. Speaking the same language, we had lived in the daily interchange of the most friendly offices, and not a token had been shown of any unkindly disposition which might have put us on our guard. On our part, we had respected the American people for their enterprise and intelligence; we looked with no jealousy or apprehension on their increasing numbers; we believed that the growth of the Christian religion, not merely in profession, but in practice, was producing among them its genuine fruits, and that they were sincerely and essentially pacific.

No. 20.
Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

It can scarcely be conceived with what astonishment the people of Upper Canada found, that after the feeble attempt of a few infatuated persons to disturb the peace of the country had been instantly put down by a simultaneous effort of their indignant fellow-subjects, when not a vestige of insubordination remained, and when the militia-men who had been called from their families were returning in supposed security to their homes, they were about to be forced into a war to prevent their property from being plundered, and their liberties subverted by the citizens of the United States.

It could not have been imagined that any considerable number could be found among our neighbours willing to make common cause with a fugitive felon, whose general bad character must have been perfectly well known to them, and who had the shameless effrontery to hold out as a reward the plunder of his fellow-subjects and the lands of his Sovereign, to whom he had solemnly sworn allegiance.

With regard to the great body of the people of the United States, it is impossible we can doubt that all who revere truth, and acknowledge the plainest obligations of morality, must look with abhorrence at the wrongs which their countrymen have been committing; and if the number of these is not sufficient to impose by their influence any restraint upon the lawless part of the community, it is no slight aggravation of the injuries we complain of, that they are committed under the pretext of bettering our condition, by forcing upon us a form of constitution of which such are the calamitous results.

It would be useless for your Committee to recapitulate facts so generally known in this province, and of so universal an interest that they have occupied public attention for the last two months, almost to the exclusion of every other matter. The preparations openly made in the State of New York for invading this province, and long unopposed by the public authorities, the recruiting of a large body of American citizens, under an American leader, avowedly for this piratical service, the collection of arms and artillery taken from the public arsenals, and at length the invasion and occupation of a part of our country on the Niagara frontier, are distinctly stated in the letters* of his Excellency the Lieutenant-governor to Her Majesty's minister at Washington, a copy of which we annex to this report. After the last of these communications was made, this piratical force repeatedly fired with their artillery upon the militia quartered near Chippewa, by which two or three militia-men have been killed; and until within a few days, it has been necessary to keep up a large force upon the frontier, to prevent a landing at Chippewa, or at any other point along the river. The more active interposition of the American Government, since the arrival of Major-general Scott on the frontier, made it difficult for this armed band to continue longer embodied, and they have evacuated Navy Island, whether with the design of assembling again, and attempting an invasion at any other point, is yet uncertain.

On our western frontier movements of a still more threatening character have been made, and perhaps a grosser insult, or more flagrant wrong, was never committed by one people upon another, than that of which the town of Amherstburgh, in the western district of this province, was lately the scene. With artillery and arms, obtained also in this instance from the arsenals of the State (by plunder, as it is said), hundreds of American citizens, commanded and officered by Americans, unprovoked by a single offensive act, deliberately took up a position in our territory, and from an armed schooner in our waters, fired with round shot and canister upon the town of Amherstburgh.

What was hoped for from this expedition will be seen in the printed proclamations of the leader of this invasion*; and it reflects infinite credit upon the spirit and loyalty of the inhabitants of that district, that they assembled with such arms as they were casually provided with, and, without artillery or the aid of a regular soldier, gave to these public robbers so timely a check, as we trust has opened their eyes to the danger of their proceedings, however regardless they may be of their criminality*.

Your Committee have annexed to this report an editorial article, from a paper published in Detroit, called the *Michigan Observer**, which is creditable to the feelings and moral courage of the American citizen who has dared to tell the truth in the midst of this extraordinary excitement. Besides the band there described as consisting of 1,000, or 1,200 men, it is known that at several points in the interior of the State of Michigan, forces have been collecting for the purpose of invading Upper Canada; and nothing but the admirable conduct of our militia, in assembling instantly at every point where an attack was threatened, has kept this hostile feeling in subjection. If a considerable success had been gained on any point of our frontier, there is great reason to believe that this abominable spirit which has agitated a portion of the American people, whether it be thirst for plunder, or a restless desire to extend the reign of licentiousness and anarchy over this continent, or a latent hatred of the British name, would have burst beyond any bounds which their Government had power to impose, and must have brought on a public war.

Upon the earnest remonstrances of Her Majesty's minister at Washington, the Government of the United States has at length taken the only measures likely to be effectual for quelling this piratical spirit, by sending to the frontier an experienced officer of high rank in their army, with orders to enforce their laws. New and more adequate powers have also been given by Congress; and we trust that, for the present at least, peace will soon be restored to our borders.

In looking back upon the past, what strikes your Committee as most remarkable is, that in the midst of profound peace and apparent friendship, such a burst of hostile feeling should instantaneously have shown itself, without any cause that could in the slightest degree excuse it; that in the first place the public authorities at Buffalo, and in the adjoining country, and afterwards the Government of the State of New York, should have appeared to be so utterly inefficient for restraining their citizens from acts of undisguised hostility, and for preventing their own public artillery and arms from being used in making war upon the British

British done promptly in and honour of the United foul epithets which result

There had to place this was one who

That says as to call it strong excitement that they should matter between

Your Co provinces, n information into view of honourable

The deten contest, to p legislative a much as poss for them wi shown so dec

The presen our attention 1st. The p 2d. The ro assistance to or without re With resp defence to er are earnestly ourselves in t should natura them.

It is usual in not having conquest, at English law, maintained th have been com polity of the suppose that a British peop which deserve part of their their situation the other subj

Still it is n peculiar laws, arose, no doub civil and crim conquest; and expedient to re laws, "in all n the British min be strongly ut imprudent to le the other colo country. What can only conjer revolted coloni general the pop pursued by the just cause of co as well on acco for unquestion calculated to ad prejudices have

It is unneces questions arose Assembly, at an was the attempt of that body the

UPPER
CANADA.

No. 20.
Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 20.

British dominions; that the Government of the United States should not have called more promptly into action the means most obvious to be used for preserving their national faith and honour; and that either the Government of the State of New York, or the Government of the United States, could have allowed themselves (as they both have done), to apply the foul epithets of assassination and murder to that natural and justifiable act of self-defence, which resulted in the destruction of the *Caroline*.

There have not been wanting in the halls of Congress, men just and honourable enough to place this transaction in its true light, and to avow what all must have felt, that the act was one which the laws of nature and of nations warranted; and which duty required.

That any executive officer of the United States could have done such violence to justice as to call it an assassination, can only be accounted for by supposing that in a time of strong excitement, it is found prudent, if not necessary, from the nature of their Government, that they should appear to kindle in the general blaze. The world will judge rightly in this matter between the American people and their insulted and deeply injured neighbours.

Your Committee have given this imperfect sketch of recent occurrences in the provinces, not with the hope that they can place before the Legislative Council any important information which they had not before acquired, but principally in order to bring distinctly into view the trials to which the people of this province have lately been exposed, and the honourable manner in which they have passed through them.

The determination which the inhabitants of Upper Canada have shown, in the recent contest, to preserve their connexion with the empire, makes it the duty of the executive and legislative authorities, which have been constituted for their protection, to defend them as much as possible from any danger which may seem to threaten its continuance, and to secure for them with vigilance the enjoyment of that form of government for which they have shown so decided a preference.

The present posture of this province, and the events which have recently occurred, call our attention forcibly to two sources of danger:

1st. The present condition of affairs in Lower Canada; and,

2d. The readiness which the citizens of the United States have shown to afford active assistance to any portion of the population of these provinces who may choose, either with or without reason, to rebel against their Government.

With respect to the province of Lower Canada, we have not merely the motive of self-defence to engage us in an examination of the difficulties which now prevail there, but we are earnestly entreated by petition from our fellow-subjects in that colony, to interest ourselves in their adjustment*. The attempt to ascertain how these difficulties have arisen, should naturally precede the expression of any opinion as to the best method of removing them.

Appendix (G.)

It is usual to condemn, in strong terms, the want of foresight of the British Government, in not having taken the most obvious measures for making the province of Quebec, after its conquest, at once and decidedly a British colony. What is meant by this is, that the English law, civil and criminal, should have been immediately established, and constantly maintained there; that all proceedings in the Legislature, and in courts of justice, should have been conducted in the English language alone, and that any peculiarities in the civil polity of the conquered people should have been wholly abolished. It is reasonable to suppose that such a course would, in progress of time, have made the Canadians more truly a British people; and though it would have done violence to national feelings and prejudices, which deserve to be treated with respect, yet it could not have been accounted unjust on the part of their conquerors, and few persons, probably, would hesitate to acknowledge, that their situation would have been greatly improved, by putting them perfectly on a footing with the other subjects of the British empire.

Still it is not surprising that the Canadians were indulgently allowed to retain their peculiar laws, and the use of their language in official acts, and in judicial proceedings. It arose, no doubt, from the circumstances of the time. At first, indeed, the English law, both civil and criminal, was introduced by Royal Proclamation, as a natural result of the conquest; and things continued on this footing from 1763 to 1774, when it was thought expedient to restore to them, by Act of Parliament, the enjoyment of their peculiar code of laws, "in all matters relating to property and civil rights". This retracing of their steps by the British ministry, probably arose from observing that the French Canadians continued to be strongly attached to their former system, and from a conviction that it would be imprudent to leave them any strong ground for dissatisfaction, at the critical moment when the other colonies in America were evidently on the point of revolting from the mother country. What might have been the conduct of the Canadians under other treatment, we can only conjecture; but it is certain, that the efforts which were afterwards made by the revolted colonies, to allure them into their confederacy, were unsuccessful, and that in general the population of Lower Canada remained faithful to the Royal cause. The policy pursued by the Government was natural under the circumstances, and seems to afford no just cause of complaint, though its consequences at this day are, no doubt, to be regretted, as well on account of the Canadians themselves, as of their fellow-subjects of British birth; for unquestionably their system of land tenures, and their civil code in general, is much less calculated to advance the prosperity of the country, than the laws of England, which their prejudices have hitherto prevailed the Legislature from adopting.

It is unnecessary to dwell upon the history of the colony before the period at which those questions arose that have led to the present difficulties. The matter which brought the Assembly, at an early day, into the most serious collision with the Executive Government, was the attempt made, during the administration of Sir James Craig, to give to a resolution of that body the force of law, in plain contravention of the terms of the Constitutional Act.

A judge of the court of King's Bench was elected to the Assembly, a situation which he ought not to have desired, and to which the people, in the exercise of his discretion, should not have chosen him. Nevertheless, he was not ineligible, but clearly the contrary, under the express terms of the Constitutional Act, which makes all persons eligible, except those who labour under some one of the disqualifications which are set down in the statute, or who may be disqualified under the provisions of any Act which the Colonial Legislature should afterwards pass. Sir James Craig took the plain, undeniable ground, that the vote of one branch of the Legislature could not change the law, by creating a new disqualification; and he was undoubtedly right, in not suffering the constitution to be borne down, either by popular clamour, or by the encroachment of either House.

In expressing his entire willingness to join in a legislative enactment for effecting the desired object, he maintained the proper distinction between constitutional and arbitrary power; and if upon every important question, as it arose, the same course had been resolutely persevered in by the Government, not as a matter of choice, but as a duty, respect for the laws and constitution would have exercised a salutary influence upon the social system, and the bounds of right and wrong would have been earlier understood, and more contentedly observed.

The contest which had been occasioned by the attempt of the Assembly to carry this point, gave rise inevitably to some degree of irritation, which found, as is usual, in process of time other grievances to inflame it. The successor to Sir James Craig found the colony in a state not very tranquil, and he made unfortunately the first step in a false system of Colonial Government, by an extraordinary effort at conciliation. He appointed to the bench of justice some of the very persons whose political conduct had been most obnoxious in the time of his predecessor; thus showing that a path might be opened to the highest honours by a violent and factious opposition to the Crown.

The war with the United States of America engrossed the attention of the public during the remainder of Sir George Prevost's administration; and the civil affairs of the colony were so subordinate in interest to the military operations of that period, that he felt perhaps no immediate ill consequences of the dangerous example he had set in Colonial Government.

From this time, however, there has been but little cessation of acrimonious contest in the Assembly; and indeed that attendant upon the representative form of Government was nothing more than was to be looked for under any circumstances. Freedom of discussion on political questions soon leads to warmth and vehemence; and when this natural tendency is strengthened by the motives which private interest or ambition, or worse impulses, will readily supply, it should neither surprise individuals, nor terrify the Government, when they see attempts made to push the powers and privileges of the popular body beyond their due limit, either to gratify resentment, or to answer some more deliberate evil purpose. A Government at once prudent and firm would expect these excesses; and for the sake of the people would take care to prevent their endangering the existence of liberty, by confining each branch of the legislature resolutely within certain well-defined limits.

So long indeed as the Executive Government was to a reasonable degree independent, no fatal effect was likely to follow from such agitations. In the administration of Sir James Craig, the first attempt was made by the Assembly to obtain that unconstitutional control over the Executive Government of the colony which should bring every public interest under absolute subjection to their body. Up to that period the salaries of the Governor-general, of the judges, and of most of the indispensable public officers, had always been defrayed from the British Treasury, under a Parliamentary grant.

The Crown duties derived under the British statute, 14 Geo. 3, c. 88, together with the casual and territorial revenue of the King, received within the colony, were by no means sufficient, at that time, to supply these charges. But the revenue raised under provincial statutes was of such an amount as enabled the legislature, in the time of Sir James Craig, to undertake the payment of that portion of the civil list which the British Parliament had up to that period provided for. They proposed to do this, and although in the unimproved state of that colony, any revenue they could raise might have been most beneficially employed in opening and amending roads, and in other works of an indispensable nature, it is not surprising that the British Government should have been at any time willing to avail themselves of an offer to defray from it the expenses of the civil government of Lower Canada, rather than allow these to continue a charge upon the overburthened revenues of the nation.

But then the most scrupulous care ought to have been taken not to surrender the officers of the Crown imprudently into the hands of the Assembly, by leaving the provision for the civil list upon that footing that the whole, or any part of it, could be withheld whenever the Assembly might choose. Sir James Craig saw that the offer was not made in terms that would secure the Executive Government against this degrading and dangerous dependence, and he wisely declined it. But though the first offer was for this sound reason rejected, it was not easy to impress deeply enough upon the Government in England the necessity of keeping this important principle in view.

It was unhappily on a subsequent occasion lost sight of. The Parliamentary vote for the civil list was discontinued, and his Majesty's ministers were content that the Executive Government should depend upon the pleasure of the Assembly for furnishing annually those supplies which were necessary to its very existence. No security was exacted for the continued support of any one branch of the civil establishment: the chance that what the Assembly might do in one year, they, or another House, would not fail to do in the next, was unfortunately relied upon, and this important colony was left in a state, which in the democratic governments of America is felt to be incompatible with freedom. The Governor who was to enforce the civil authority, and the judges who were to administer the law, were left

left at the pleasure of a popular body, frequently renewed; who might curtail, or deny them their salaries as they chose. From that moment to the present, there has been neither peace nor satisfaction in the conduct of the affairs of the colony; no protection against the tyranny of faction, (which is the most unscrupulous of all tyranny,) and no adequate security for any principle or institution which the power of the Legislature could prostrate or undermine. The honour of the Crown; the independence of the courts of justice; the peace of the country, were by this abandonment of constitutional principle, placed under the direct and absolute control of a few ambitious and vindictive political leaders; and all the evils that have followed can be traced to this source. They have accumulated till they have produced rebellion, and have come near to entailing upon the empire the calamity of a foreign war; and it will be happy if the distressing consequences of this palpable error in policy have not dangerously agitated, an inextinguishable hatred of the British name.

It has put it in the power of the Assembly to exercise the most cruel oppression over individuals, and to subject the Government to numerous indignities; but what is infinitely more important, it has led to an acquiescence on the part of the Government in repeated violations of the constitution, and at last, because every thing that was asked by the Assembly was not surrendered, the Government was left for more than four years without the means of remunerating a single public servant for the duties he had discharged under the King's commission. Judges, councillors, every department of the civil government, including even the Governor himself, were during that period absolutely unprovided for, and were compelled to serve gratuitously, and to obtain their living as they could by other means, while a large balance of unappropriated money was lying in the provincial treasury. In bearing even this degrading consequence, rather than surrender the essential principles of the constitution, the Government chose the proper alternative; but it was in the last degree cruel that such a ruinous weight should have been allowed to fall upon individuals; and we believe that in no part of the civilised world, except perhaps in a few other British colonies, could such consequences have been made to follow a just and lawful resistance to the will of a popular body.

It could only have been under the difficulties produced by this unconstitutional and discreditable state of dependence, that the provincial government can have submitted, as they did, to allow the Assembly to expel a Member for giving his conscientious opinion as chairman of the bench of magistrates, when applied to by the Government for advice respecting the commission of the peace; to declare him to be, for that reason only, under a lasting disqualification to sit in the Assembly, and to expel him after repeated elections;—

To declare by their resolution that a Member appointed by the Crown to a seat in the Executive Council vacated his place in the Assembly, though it is plain that by the Constitutional Act no such consequence could follow, and that the Assembly were violating their charter by giving to their own vote the force of a law;—

To withhold at their arbitrary pleasure the force of an election for supplying vacancies which they had themselves created in different counties, keeping such counties unrepresented for several sessions;—

To deprive certain offices of indispensable necessity of every shilling of emolument, by leaving them out of the bill of supply, for no other reason than that the persons filling them had openly, and in the exercise of their right as free men, expressed opinions adverse to the pretensions of the Assembly, upon public questions;—

To pay to themselves, by their own mere vote, such sums as they chose to allow themselves for their attendance in the Assembly, though the allowance was sanctioned by no law whatever, and although every shilling of the revenue which was applied in paying it was, by the statutes under which it was raised, expressly reserved to be disposed of by act of the Legislative Council and Assembly, assented to by the King;—

To pay out of the same revenue, by their own mere vote, large salaries to agents in England, appointed solely by themselves, whose chief employment was to vilify the other two branches of the Legislature, entitled equally with the Assembly to a voice in disposing of that money;—

To expunge from the Journals of the House a communication from the Secretary of State for the Colonies, in the name of their Sovereign, upon the affairs of the province, laid before them by His Majesty's command;—

To erase contemptuously from their Journals the speech of the representative of their Sovereign, pronounced from the throne, at the conclusion of a previous session;—

To prorogue themselves when they pleased, departing to their homes with the avowed intention of putting an end to the session, and leaving the other two branches unable to proceed further in the public business, thus usurping one of the plainest prerogatives of the Crown.

If the ordinary and indispensable charges of the civil government had been placed, as the constitution of every well-governed country demands, beyond the reach of the mere caprice of one branch of the Legislature, some of these cases of gross injustice could never have occurred; and for all of them there was at least a powerful check provided, and within the exercise of the Royal prerogative, which your Committee presumes was not resorted to merely from the unwillingness to prejudice the chance of obtaining the annual supply, an object for which it seems to have been thought necessary to encounter almost any humiliation.

It is hardly necessary to remark, now that rebellion has just done its worst, that this series of concessions, with others that might be added to the list, failed wholly to conciliate the Assembly which extorted them. On the contrary it is plain that they only stimulated

UPPER
CANADA.

No. 20.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

them to urge more unreasonable claims, in the same violent tone which had been so successful; for they were no longer restrained by a feeling of respect for the other branches of the Legislature, whose rights they had been allowed so repeatedly to treat with contempt.

It is difficult indeed to understand what practical good could be expected to arise from meeting in session the same House of Assembly, which had expunged the speech of the King's representative from their Journals.

But even if there had appeared some ground of hope, that the Assembly could be won upon by these repeated sacrifices of principle, still the Government should not have felt themselves at liberty to make them. The benefit they were seeking in return was temporary; the inroads permitted to be made upon the constitution were likely to prove injurious for ever; and besides, there was a portion of the people which viewed such proceedings with alarm, and remonstrated earnestly against them; and however small their number in comparison with those who supported the Assembly, they were entitled to the utmost protection of their Government, because they had right and reason on their side.

But the apparent insensibility to the danger of placing the civil list within the annual control of the Assembly, was attended with a consequence far more injurious than any that has been noticed. It reduced the British Government to the necessity (in their opinion at least), of violating, in the most important particular, the constitution of the colony. Even so early as the time of Lord Bathurst, the Government of Lower Canada was in a state of such embarrassment and confusion, from the total failure of the Assembly to provide for the civil list, that Lord Dalhousie, then Governor-general, was directed to cause the necessary payments to be made from the provincial revenue, without the sanction of any Act of the Legislature. We do not say that this direct violation of the law of the province was, or could be justified by any necessity. On the contrary it would have been better, in our opinion, even to have repealed the constitutional charter, by the unquestionable authority of Parliament, than to suffer it to remain in full force, and at the same time to sanction its direct infringement by an Act of the Executive Government.

But the fact that the difficulties arising from the want of a settled provision for the ordinary expenses of the civil list, did lead the Government to adopt a measure so certain to be injurious to their character, and to the future peace of the colony, and to preclude all amicable intercourse between the Government and the Legislature, is of itself an unanswerable proof that it ought never to have been thought possible to leave the affairs of the colony upon such a footing.

There would be little satisfaction in bringing under review the series of perplexing difficulties into which the Government of the colony was thrown between 1817 and 1828, by this fruitful cause of disorder. Every year these difficulties increased, and the attempt to surmount them, and an honest desire to guard the constitution, and to protect against violence and insult the servants of the Crown and the supporters of British institutions, brought upon a benevolent and high-minded nobleman (Lord Dalhousie), a torrent of vile and unjust abuse, and a series of contemptible insults and persecutions, against which he was not sustained in a manner worthy of the great nation in whose service he was employed, and of his own high station and unblemished character.

In 1828, when the contentions we have described were at their height, petitions to the King, very numerous signed, were sent from Lower Canada, by agents who were employed to further the views of the petitioners. These were statements of grievances by opposing parties—on the one hand, the French Canadians, adopting the language and complaints of the Assembly, charged the Executive Government and the Legislative Council with many delinquencies: and on the other hand, the British and American population set forth evils, which they alleged they had suffered from the national prejudices, and the perverse conduct of the Assembly.

His Majesty's Government in England did neither deal with these petitions in the ordinary manner, by deciding upon their prayer according to the judgment, and of course upon the responsibility, of the proper Minister of the Crown; nor was recourse had to the undoubted power of Parliament for settling any of the contested points by a legislative enactment, but a middle course was taken, and one that, in its application to Canada at least, was perfectly novel.

A Select Committee was appointed in the House of Commons, on the motion of the Colonial Minister, for the comprehensive purpose of "inquiring into the Civil Government of Canada, and reporting their observations thereupon to the House." Having heard the statements of such persons acquainted with these provinces, as happened at the time to be accessible, and as they chose to call before them, this Committee made a Report, in which they discussed many of the points in controversy, and expressed an opinion upon them, though not in all cases definite and conclusive: adding, by way of summing up, that "the embarrassments and discontents which had long prevailed in the Canadas, were in a great measure to be traced to the manner in which the system of laws, and the established constitution had been administered."

It is not the intention of the Committee to enter into an examination of the opinions expressed, or of the advice offered in this Report of the Select Committee of the House of Commons, though such an examination might not be altogether unprofitable. The result of this proceeding was, that without any public discussion of this Report, or of the questions and interests which it involved, without even a motion for its adoption in the House of Commons, and without any investigation or expression of opinion by the House of Lords on any of the important topics it embraces, it has been avowedly advanced and relied upon by successive Secretaries of State, as a kind of settlement of Canadian politics, by which

his
exter

Yo

appe

Th

decis

of pe

affect

subj

they

alter

But t

grave

advan

certa

He

colony

-and j

dispo

scrup

It i

of it,

of the

plaisa

respec

gentle

Assem

stitu

which

must

Wh

discret

asked,

decide

Upper

only b

which

that s

Canada

plicity

one pr

with th

willing

mittee

Your

a mode

his Mu

the op

recomm

other w

those p

encroac

For

tive Co

before

Legisla

His

without

The

should

Her

it must

single a

otherwi

which t

may req

The

removin

during

The

have sh

colonies

From

for the

own res

367.

No. 29.
Sir F. B. Head to
Lord Glenelg,
12 March 1838.
Encl. 3; in No. 29.

his Majesty's Government and these provinces, so far as the power of the executive extended, were to be hereafter bound.

Your Committee is aware, that to a great portion of the people of Canada this has always appeared to be a singular innovation in the colonial system.

The Ministers of the Crown are responsible to Parliament and to their Sovereign for their decisions and measures; they are open too at all times to the statements and vindications of persons whose conduct may be called in question, or whose interests are liable to be affected by their acts. The inhabitants of the Canadas are well aware, that besides their subjection to this constitutional power of the Executive Government, they are liable (and they acknowledge it without jealousy) to have their political condition regulated and altered in any manner that the supreme legislative authority of the empire may think fit. But they know also that the passing of an Act by the British Parliament implies an open, grave discussion of the questions involved, in two numerous assemblies, with all the advantages of the talent, sound judgment, experience and various information which are certain to be found there. It implies also the sanction of the Sovereign.

Here a third course has been adopted, which has given to the people of these great colonies neither the security of the responsible Ministers of the Crown, nor of the wisdom and justice of either House of Parliament, but which enables the colonial department to dispose of the most important and delicate questions of civil policy, by professing to conform scrupulously to a standard laid down by a Select Committee of the House of Commons.

It is to be considered that the Members of a Select Committee are named by the mover of it, that the selection may have been influenced by a knowledge of the sentiments of many of them, that it is no uncommon practice to place upon Committees, out of mere complaisance, or in order to give an appearance of impartiality, persons of extreme views in respect to the points at issue; and that it is by no means impossible that some of the gentlemen who may upon this occasion have entered warmly into the complaints of the Assembly of Lower Canada, may have been persons whose recommendation to their constituents for a seat in the House of Commons, was their declared hostility to principles which not only the King's Ministers, but a great majority of both Houses of Parliament, must feel themselves bound in duty to support.

When it is considered further, that the inquiry to be instituted was wholly within the discretion of the Committee as to the persons to be examined, and the questions to be asked, that with regard to one of the provinces, whose Executive Government was so decidedly censured, the examination was altogether *ex parte*, it being wholly unknown in Upper Canada that such an inquiry was intended; that this report passed, as it is said, only by a casting vote, and was never brought into public discussion even in the House to which it was addressed. When these things are considered, it can scarcely be expected that such a document can, with much satisfaction, be regarded by the people of Upper Canada as a sort of second charter, by which their most important interests are to be implicitly governed. They can feel no assurance that there are not in that report more than one principle assumed, and opinions expressed, which, if fairly discussed, might not meet with the concurrence of either House of Parliament; and is not probable that any one would willingly consent to have his private interests bound by the opinion of a majority of a Committee of the House of Commons, resulting from such an inquiry.

Your Committee further submit, that it is not unreasonable to look with distrust upon such a mode of adjusting the most important colonial interests, when it is considered, that although his Majesty's Secretary of State, professing to follow it implicitly as his guide, has given to the opponents of the colonial Government the full benefit of every relaxation which it recommends, there has been no scruple in departing from it in the contrary direction. In other words, it stands as a security for every suggested concession, but not as a security for those points which the Committee had recommended to be guarded against, popular encroachment.

For instance, the Committee recommends that the Governor, the Members of the Executive Council, and the Judges, should be secured in the receipt of their established salaries, before the duties levied under the statute 14 Geo. 3. should be surrendered to the Legislature.

His Majesty's Government has surrendered, in Lower Canada, the whole of these duties, without securing any salary whatever, either for the officers named, or for any other officers.

The Committee recommends that the casual and territorial revenues of the Crown should not be surrendered to the Legislature.

Her Majesty's Government seems eagerly desirous of making such a surrender, although it must necessarily deprive the Queen's representative in the colony of the power of doing a single act of grace or favour, or of charity, in the name of his Sovereign, or of meeting, otherwise than from his own private funds, any extraordinary and unforeseen disbursement which the exigencies of the public service, and, under some circumstances, the public safety may require him to provide for.

The Committee recommends that the King should retain the power in the colonies of removing a judge from his office, or in other words, that the commission should be to hold during pleasure.

The Government have not in this instance adhered to the report, but, on the contrary, have shown a strong disposition to render the judges independent of the Crown in both colonies, and in Upper Canada have assented to a measure for that purpose.

From what your Committee have stated, it cannot but appear, that the successive Ministers for the colonies, in professing to take this report for their guide, have substituted for their own responsibility the apparent sanction of Parliament, but in reality nothing more than the

No. 20.
Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

opinions of a majority of a Select Committee, unconfirmed by any other authority, and not subjected to the test of any public examination or discussion; and those opinions the result of an inquiry conducted without the knowledge of the Government whose conduct was implicated, or of the people whose most important public interests were concerned; and moreover, that the opinions of this Committee, while they are confidently relied upon as warranting to the full extent any concession which they recommend, are not allowed to interpose an obstacle to any concessions from which they have thought it prudent to withhold their sanction.

Whatever may have been expected from this report of the Committee of the House of Commons, it had no permanent effect in restoring tranquillity to Lower Canada, or in arresting the violent measures of the French Canadian leaders. They soon returned to their intemperate abuse of the Government, and in the midst of the outcry, Lord Dalhousie was removed.

A temporary calm followed, as is usual, the accession of the new Governor; but his administration was wholly unimportant as regarded the settlement of any question that had arisen between the Government and the Assembly. The only variety produced by the change was, that the outrageous abuse, of which the head of the Government had before been the principal object, was for a time distributed among his noble predecessor, the Legislative Council, and the King's Ministers. Things however began to revert to their former state, so soon as it became evident that the resolution of Sir James Kempt, to take nothing amiss from the Assembly, was not likely to lead the way to any decisive changes, and that his policy had no higher object than to save himself from the disaster of being thought an unpopular Governor, and from the annoyance of those brutal attacks which no firm friend of the constitution had the slightest prospect of escaping for any length of time.

The Assembly renounced none of their pretensions, and all that the new Governor gained by such concessions as were made, and by the sacrifice of feeling, which it must have cost him to listen with complacency to the most ungenerous calumnies upon his predecessor, mingled with compliments to himself, was the grant of an annual supply, so defective, and accompanied with conditions so objectionable, that his Majesty's Ministers expressed their regret that it had been accepted.

In the subsequent stages of their controversy with the Government, the Assembly soon took the more peremptory course of refusing absolutely to grant a shilling of supply for the support of the civil government, until certain radical changes should be made in the constitution.

Happily these desired concessions were so extensive that the British Parliament alone could grant them; and by making them nevertheless the condition on which alone they would enable the Government to pay its officers, and to defray the charge of administering justice, the Assembly compelled the adoption of some line of conduct for bringing the admissibility of their pretensions to a final decision. Perhaps, also, it is not to be regretted, that the necessity for this decision has been further hastened by what appears to have been an act of singular improvidence on the part of the Government in England.

Up to the year 1831, the Crown duties levied in Lower Canada under the British statute 14 Geo. 3, c. 88, enabled the Government to pay a very considerable portion of the civil list, and, at no distant period, they would probably have sufficed, in addition to the other crown revenue, to meet the whole charge. Those duties had been imposed by Parliament in 1774, as a substitute for other duties much more burthensome, which the Canadians at the time of the conquest were bound to pay, under an edict of the King of France. This appears upon the face of the British statute*, by which also the proceeds of the new duties are expressly directed to be applied, in the first place, towards defraying the expenses attending the administration of justice, and the support of the civil government within the colony, under the direction of the Lords Commissioners of the Treasury*.

This revenue had been for a long series of years received and applied in conformity to the statute, without question or complaint; and even after the Legislature had been allowed to assume the payment of those charges of the civil list, which the British Parliament had been accustomed to provide for, they expressly made their grant in such terms as showed their intention to be to make up the deficiency that might be required, after the application by the Crown of the duties levied under the statute 14 Geo. 3, thereby repeatedly acquiescing in the right of the Crown to make such application.

Nevertheless the Assembly did at length, among their grievances, complain that these duties were wrongfully withheld from their appropriation.

The British Parliament had by their Act 18 Geo. 3, c. 12, passed during the contest in America, declared that "they would not after the passing of that Act impose any duty payable in the colonies, except such as might be expedient for the regulation of commerce, and that the proceeds of any duties which might be imposed for that purpose should be subject to the appropriation of the colonial Legislature."

The Assembly contended that as this was a renunciation of the right to tax, it amounted there to a virtual repeal of the previous statute of 14 Geo. 3.

But on the other hand, it was to be considered that, as the 18 Geo. 3, was nothing more than a declaration of Parliament, that they would thereafter impose no duty, &c., it could not have the legal effect of abolishing a duty which had been imposed before; and more especially, when that duty was but a substitute for heavier duties which were in force in the colony when it was conquered, (among which was one of three per cent. *ad valorem* on all dry goods imported or exported,) and upon the legality of which the Canadians could raise no dispute; that the Crown officers in England had given an express opinion that the statute 14 Geo. 3, was not affected by 18 Geo. 3; that other British statutes anterior to 14 Geo. 3, imposing duties in this and in other colonies, stood upon the same footing, and were not complained of; that the

*14 Geo. 3, c. 83.

*Appendix (I).

the pro
Assemb
nised at
the app
This
the Leg
which t
appropri
total rep
The C
of the qu
accept a
the Mem
In 183
mendatio
cautious
efficiency
Legislatu
public ch
in 1828 t
the statu
It is to
on the si
than the
justice, a
sanctione
colonies i
advanced
was certai
expanded.
For the
imprudent
in the Go
Assembly,
of those fo
If instea
Parliament
should pro
have been
repeatedly
ture; and
funds, for
altogether,
any deserv
disturb the
business for
and misery
By thus
nary charge
as it is in E
thought pru
But the
a reasonable
concession of
upon obtaini
placing thing
While the
Governor of
the duties in
for the Gover
Upper Canad
discussion en
in amount of
half of the co
The Act w
Legislature of
of the Legis
14 Geo. 3. P
Wellington, th
on the Assen
would prove r
his Majesty's
duties uncon
with the asser
389.

AFFAIRS OF LOWER CANADA, &c.

137

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

the proceeds of these duties were applied strictly to pay public charges of the colony, as the Assembly well knew, and such charges as the Assembly had by their Acts repeatedly recognised and sanctioned; and further, that the Assembly had in their Acts repeatedly recognised the appropriation of these duties by the Crown as rightful and legal.

This being the statement of the case, the utmost that could fairly have been expected by the Legislature was, that whenever they should make a reasonable provision for those charges which the 14 Geo. 3. now enabled the Government to meet, they might be allowed to appropriate the duties raised under that statute, or might obtain, if they preferred it, their total repeal.

The Committee of the House of Commons upon Canadian affairs, in 1828, took this view of the question, but they satisfied themselves with recommending that the Government should accept a provision for a very limited number of officers, viz. the Governor, the Judges, and the Members of the Executive Council.

In 1831, the Secretary of State, intending as it would at first appear, to act on this recommendation in respect to the relinquishment of the right to appropriate, but with a more cautious regard than the Committee had discovered to the necessity of maintaining the efficiency of the Government, directed the Governor of each of these provinces to inform the Legislature, that upon their providing more permanently than by annual vote, for certain public charges which were specified, (and which included more salaries than the Committee in 1828 thought it necessary to recommend,) the right to appropriate the duties raised under the statute 14 Geo. 3. would be transferred to them by an Act of the Imperial Parliament.

It is to be regretted that in a case where not law only, but reason and justice were so clearly on the side of the Government, they should have been content to stipulate for any thing less than the ordinary understood charges of the civil list, including the expense of administering justice, according to such estimates as the Legislature had in each province repeatedly sanctioned. Whatever in this respect was reasonable and necessary, from 1815 to 1830, in colonies increasing rapidly in population, could not become less so as these colonies advanced; but on the contrary, any civil list that would be reasonable at the current time, was certain to become inadequate to meet the wants of the public service as their condition expanded.

For the requisite means of meeting this increased charge, it might have been thought not imprudent to consent to depend on the Legislature; but it seemed neither just nor considerate in the Government to abandon unnecessarily to the result of annual discussions in the Assembly, numerous charges of the civil list, as indispensable, and as meritorious, as any of those for which they stipulated, although not annexed to offices of the same dignity.

If instead of proceeding as they did, the Government had on this occasion proposed to Parliament an Act, providing that whenever the duties under the 14 Geo. 3, c. 88, should produce a sum more than sufficient to defray certain necessary charges, which might have been specified, (and which should have been merely such as the Assembly had repeatedly voted,) then the excess should be placed at the disposal of the colonial Legislature; and that whenever the colonial Legislature should provide permanently, out of other funds, for the same charges, then the duties under the statute 14 Geo. 3. should cease altogether, such a measure could not have appeared unreasonable, nor would it have done any disservice to the Assembly to have thus placed out of their reach the temptation to disturb the peace of the colony, by such contests as have taken the place of all useful business for the last ten years, and have at length plunged their constituents into the guilt and misery of rebellion.

By thus obtaining a permanent provision for the administration of justice, and the ordinary charges of the civil list, the Government would only have been rendered as independent as it is in England, and in the republican States of America. How it could ever have been thought prudent or just to make it less so, it is not easy to understand.

But the extraordinary fact is, that the Government not only did not insist upon securing a reasonable and sufficient civil list, but they seem to have made up their minds to the fatal concession of surrendering to the Assembly the duties under the 14 Geo. 3, without insisting upon obtaining any equivalent whatever, and the measures pursued by them have ended in placing things in Lower Canada upon that ruinous footing.

While the 14 Geo. 3. remained yet unrepealed, the Secretary of State directed the Governor of each province to make a communication to the Legislature, offering to surrender the duties in question, and expressing a desire, that they would provide the usual salaries for the Governor, Judges, Members of the Executive Council, and several other officers. In Upper Canada the opportunity was first afforded of considering this proposition, and the discussion ended in a bill being passed establishing a permanent civil list, but very far short in amount of that suggested by the Secretary of State, and in fact giving little more than half of the compensation which had been asked, in return for the proposed surrender.

The Act was accepted however, and while not a shilling had yet been granted by the Legislature of Lower Canada, a bill was brought into Parliament for placing at the disposal of the Legislature in each colony their respecting proportions of the duties levied under the 14 Geo. 3. It was objected in the House of Lords by Earl Bathurst, and by the Duke of Wellington, that such a measure would reduce the civil government to a state of dependence on the Assembly, which would be utterly destructive of its character and efficiency, and would prove ruinous to the peace of the colony. They were answered by an assurance from his Majesty's Secretary of State, that it was not intended to surrender the duties unconditionally, and on this explanation the bill was allowed to pass, not however with the assent of his grace the Duke of Wellington, who entered a protest in language which

Appendix, (J.)

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.Encl. 3, in No. 29.
*Appendix (K.)

which showed his perfect sense of the imprudence of the measure, and his patriotic desire to prevent the coming evil.

Whatever may have been the intention or understanding of Lord Goderich, the bill was in reality so framed, that it was a plain surrender to the colonial Legislatures of the monies raised under the statute 14 Geo. 3, without qualification or reserve. It was looked upon in no other light here or in Lower Canada; and when it became necessary for the British Government, as it soon did, to consider what was really the effect of their measure, it was found capable of no such construction as had been intimated, while it was under discussion in the House of Lords*.

The British Government having gone so far beyond the recommendation of the Canada Committee, as to surrender without equivalent the revenue which would have supported the most necessary offices, and rendered the administration of justice independent, it remained to be seen what would be the effect upon the Assembly of this romantic confidence in their liberality and sense of justice. The result, it need not be said, has disappointed the expectations of no one on this side of the Atlantic.

The Government having left itself without resource, has been left by the Assembly wholly destitute, and after four or five years of unmitigated insult and violence, without a single grateful return, or respectful expression, the Government has at length been compelled to pay its judges and other officers their large arrears of salaries out of the military chest of England, while a large amount of unappropriated monies is lying in the provincial treasury; and when the remedy which it is proposed to adopt for this inconvenience and injustice is considered, it will be seen at once how strangely inconsiderate has been the policy of the Government, in this very delicate and important matter.

The measure proposed by Lord John Russell's resolutions of 1837, is to take from the provincial treasury the money which the Assembly has declined to grant. The provincial statutes by which this money was raised, reserve the right of appropriating it expressly to the Legislature, and the taking it by any other authority is a direct violation of the law, and a plain infringement of the constitution. How much better would it have been to have exerted the firmness necessary to preserve what by law and in justice belonged to the Crown, than by tamely surrendering it to incur the necessity of dishonouring the Crown, and furnishing the Assembly, in the midst of their factious violence, with a ground of complaint, infinitely more substantial than all the grievances they had been inventing for years!

Far from being improved in temper and demeanour by the unlimited confidence that had been so incautiously placed in them, the Assembly became more rudely violent than ever; and instead of employing themselves in any thing useful to the colony, they proceeded from one intemperate act to another, till at last they impeached the Governor-general, the Legislative Council, and the King's Ministers, in ninety-two outrageous resolutions, such in manner, as it might have been supposed, would have discouraged any further attempts to cure the evils of Lower Canada by commanding the Assembly. In one sense the course taken by the Assembly was honest, for in these resolutions they plainly announced to the King's Ministers, that they would do nothing that had been expected of them; that what they wanted was a republican government, which his Majesty might grant them if he pleased, but which they were resolved at all events to have, and if necessary, by rebellion, in which they doubted not they would be assisted by the United States.

After this declaration, it surely could not have been thought in England that there was any great mystery in the disorder which had deranged the state of the Government in Lower Canada; and it was expected, that his Majesty's Ministers would have repaired their error, by retracing at once their steps with regard to the Crown revenue, and repealing the Act which had been improvidently passed. But it was thought expedient first to send out a commission of inquiry to Lower Canada, and to remove the Governor-general, Lord Aylmer, against whom the Assembly had raised a clamour, as violent and indecent as it was evidently unjust.

With respect to the commission, it was not obvious what particular advantage could be expected from it, unless it had for its object the supporting the cause of truth and reason, by procuring the judgment, after inquiry on the spot, of some one or more public characters of acknowledged talents, commanding station, sound political principles, and enlarged experience. The weight which would have been conceded to such opinions might have warranted the expense and delay incurred by the inquiry. But the selection that was actually made did not offer the hope of any such advantage.

In the provinces of Canada, containing together a population nearly half as large as that of Scotland, various constitutional questions had been agitated, which in Lower Canada at least had arrayed a large portion of the people against their Government. If in any or all of these questions the Government really had right on their side, it might be desirable that an opinion to that effect should be given by some unbiassed judge of acknowledged competence; but how could it strengthen the Government in such a contest? or how could it tend to procure submission to any great public principle, to announce to the world that it had received the sanction of any or all of these Royal Commissioners? Their testimony, at least till they had acquired a known reputation, could weigh little or nothing in the balance against popular prejudice, while, on the other hand, the bare circumstance of their acting under the King's commission, was sufficient to give to the opinions of either of them, when they bore against the sound principles of the constitution, and supported the unreasonable desires of a discontented people, a very undue and injurious influence.

If one or more Commissioners, of known high character for sagacity and sound political views, had come to Lower Canada, armed with powers given by Parliament, to receive evidence on oath in support or refutation of any alleged cause of complaint, and bound to

give to the conduct, believe, found the been reports do than a pl whose dis it has-bee

Let any resolution and avow and placed justice in poor, delu before this the ninety and encour are princip We are ment of ev to have un After the directed to Assembly Assembly Commission to be sacrific relief. It is year would the Commi really overc Lord Aylmer Nothing having recal purpose, exp promoted to perate calun some remedy be that, and Lord John Lower Canada character.

It is impos of Lower Ca course. The exception; R from the prov Acts express The consti be rescind notiated. Th sible; perhaps Throughout and during a by the firm an conducted, the of confidence principles and Crown to subs nevertheless such a change, regret to add it severe. Not m persons disting successive Gov ledge of the res of concessions, to add to the energy and firm

It is alarming for many years bold and open sented to emplo 387.

give to the public officers who had been aspersed the opportunity of openly vindicating their conduct, some good might have arisen from the inquiry. But your Committee do not believe, that in the result of the proceedings of the Commissioners any advantage will be found that will at all compensate for the degree in which the honour of the Government has been compromised, by the measures which they adopted and advised. Their published reports do not affect to conceal their hopes and their attempts to win over, by other means than a plain and independent discharge of their duty, the individual members of a party, whose dishonourable want of fidelity to their Sovereign was then as certain and notorious as it has become since, although they had not so openly committed high treason.

Let any one who will submit to the disgusting drudgery, read through the ninety-two resolutions passed by the Assembly of Lower Canada: let him then consider that the known and avowed author of these resolutions was taken from the Assembly by my Lord Gosford, and placed, reeking, upon the bench of the highest court in the colony; there to administer justice in the name of the King of England: let him then imagine some one of the many poor, deluded wretches, who have been lately taken in arms against their Sovereign, brought before this judge, to answer for the treason; why should he not say boldly to the author of the ninety-two resolutions, show me what I have done, that you did not incite, and advise, and encourage me to do. If I am guilty of treason, a crime in which all that are concerned are principals, how can you be less so, who urged me to the act?

We are told on sacred authority, "that Governors are sent by the King for the punishment of evil-doers, and for the praise of them that do well." Lord Gosford does not appear to have understood this to be the object of his government.

After the Commissioners had closed their proceedings, the Government of the colony was directed to make a last attempt, in the face of insult and defiance, to procure from the Assembly some kind of supply for the exigencies of the public service. But happily, the Commissioners' instructions, that some of the essential principles of the constitution were not to be sacrificed, they disdained all soothing treatment, and would not grant even a temporary relief. It is well they did not; for the obtaining a defective bill of supply for the current year would have been of little value to any but the unpaid officers, and their creditors, while the Commissioners would have imagined, and probably led others to imagine, that they had really overcome those difficulties which had occasioned the recall of Lord Dalhousie and Lord Aylmer.

Nothing whatever was gained from the Assembly; and at last the British Government having recalled one Governor-general after another, and lavished upon the Assembly, to no purpose, expressions of confidence, which could scarcely have been sincere; and having promoted to offices of honour and trust, and even to the bench of justice, the most intemperate calumniators of the Government, have been reduced to the necessity of providing some remedy for evils which have at length become intolerable. Whether the remedy will be that, and only that, which was contemplated by the resolutions offered to Parliament by Lord John Russell, in the last session, we of course are ignorant. Recent occurrences in Lower Canada may incline the Government to propose something more decisive in its character.

It is impossible, in the opinion of your Committee, that any one conversant in the affairs of Lower Canada, can look upon the resolutions referred to, as pointing out a satisfactory course. They provide but for the present moment, and that in a manner most liable to exception; for clearly, the Government has no right, and none can be given to it, to take from the provincial treasury monies paid into it under Acts of the local Legislature—which Acts expressly reserve to that Legislature the exclusive right of appropriation.

The constitutional charter, under which the colonial Legislature acts, may undoubtedly be rescinded by Parliament; but while it is suffered to stand in force, it ought not to be violated. The case is not such as to require so desperate a remedy; and it is hardly possible, perhaps not possible, to conceive any case that would warrant it.

Throughout the extraordinary contests which have brought things to their present state, and during a long period of similar agitation in this province, which has been terminated by the firm and constitutional manner in which the government of the colony has been conducted, the friends of the Crown have had the mortification to observe an apparent want of confidence on the part of the British Government in their power to give effect to sound principles and views. It cannot be supposed that it can be the desire of any Minister of the Crown to substitute a republican form of government for that which we now enjoy; but nevertheless those who have been obviously, and indeed avowedly labouring to bring about such a change, have been suffered to proceed to extraordinary lengths unchecked; and we regret to add that they have, in many instances, met with no slight encouragement to persons distinguished by their violent and unjust opposition to the colonial Government, but successive Governors have been recalled just at the moment when they had acquired a knowledge of the real state of the country they were governing, and had learned the utter folly of concessions, which had no other effect than to weaken the authority of the Crown, and to add to the power and audacity of traitors in heart, who, presuming upon the want of energy and firmness in their rulers, have become traitors in fact.

It is alarming to reflect how little reason we have to doubt, from what we have witnessed for many years past, that if the leaders of the late rebellion in Lower Canada had been less bold and open in their defiance, if they had deferred their resort to arms, and had consented to employ a little of the management which it is avowed in the Report of the Royal Commissioners

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, to No. 29.

Commissioners was resorted to by the Government, there is hardly any thing they could have desired, which it seemed beyond their power to have obtained as a concession.

No one can read the Report of the Commissioners without being convinced that the protection of British principles and feelings in Lower Canada, is mainly to be ascribed to the insane violence of Mr. Papineau, which made him an impracticable person for the Royal Commissioners to treat with.

It is plain on the face of their Reports, that if the Commissioners, by the extraordinary direction which they gave to their civilities, and by the use they were willing to make of the patronage of the Crown, could have succeeded in getting any kind of supply voted, though but for a single year, they would have imagined they had achieved a decisive and valuable victory: when, in truth, nothing would have been gained that ought to have been considered an equivalent for the sacrifice of a single principle, or the admission of an unjust encroachment.

If the conduct of the inhabitants of the British North American colonies at the present eventful crisis, shall dispel an allusion which seems to have prevailed in England, that popular doctrines and movements cannot be safely withstood on this continent, however repugnant they may be to truth and reason, then we shall have gained something that may make our enjoyment of rational liberty more secure in future, than we have felt it to be in times past.

The party, in deference to which the Government has so long forbore to enforce its just rights, have at length tried their worst, and have shown so great a disproportion between their inclination and their ability to defy the Government of their Sovereign, as we trust may embolden the Ministers of the Crown hereafter to afford their assistance to their fellow-subjects in maintaining the royal authority.

As respects Lower Canada, circumstances are only so far changed by the rebellion that the necessity for coercive measures has become more apparent, and may be supposed to have been increased by the feeling which a resort to arms has inevitably given rise to. In effect that colony has been in a state of anarchy for two or three years past; and the question no longer is whether decisive measures shall be taken, but what those measures are to be. The safety of Upper Canada is directly concerned in the course that may be adopted, and your Committee will therefore venture to express such opinions as they have formed, in respect to the several remedies which they have heard suggested.

As the resolutions introduced by Lord John Russell, in the last session, make no provision against future difficulties, it would be of little use to discuss them.

By repealing the British statute which surrendered the King's right to appropriate the duties raised under the statute 14 Geo. 3, a revenue would revert to the Crown sufficient to meet the most important items of the civil list, and the casual and territorial revenue would afford a further resource, but fluctuating and uncertain in amount. The deficiency would be but a light burthen on the provincial revenue, for the difficulty hitherto has never been occasioned by the want of means, but by the determination of the Assembly to make their control over the ordinary expenditure of the Government the means of gratifying their resentments, and of overthrowing the constitution of the province.

With an abundant provincial treasury it would be unreasonable that the British nation should again assume those charges for the Canadian Government which at an early period were defrayed by Parliament; but either that must be done, or means must be taken to ensure the right application of so much of the provincial revenue as is necessary to maintain the Government.

If the present Assembly of Lower Canada were dissolved, and a new one chosen, the Legislature might be again convened, and plainly told, that unless they would provide permanently for the ordinary civil list, the colony must be governed in another form; and the alternative should not be proposed to them as an idle threat, but should be deliberately and firmly submitted to their choice.

Your Committee do not hesitate to say that a representative form of constitution should never have been conferred on any colony, until the administration of justice and the necessary charges for the civil government, had been so provided for as to secure them against the caprice of either branch of the Legislature, or at least the passing an Act for that purpose in the first session should have been the condition on which alone their charter should continue in force; and such an Act would be the best evidence a colony could give of its desire to guard the integrity of its institutions. The observation of what has passed in Lower Canada within the last 20 years can leave no doubt on this point.

The Assembly, under the guidance of two or three leaders, who have any thing in view but the public good, become involved in an altercation with the Governor. The only ground for the quarrel probably is that he feels it to be his duty, for the sake of the colony, to defend the constitution from popular encroachment.

In the hope of compelling him to yield, the Assembly refuses the supplies; this refusal occasions the greatest public inconvenience, and much distress to individuals. If it be repeated the next year the evil becomes almost intolerable. Of this the Government in England are easily made sensible; and looking unfortunately more to the effect than to the cause, they recall their Governor, not because he has done any thing wrong, but simply because he is in trouble.

His successor knows that the stumbling-block was the annual supply, and that it is expected of him that he will manage somehow to remove that difficulty.

The Assembly he concludes cannot be driven, but he flatters himself they may be persuaded; and as the well-disposed members of that body require no persuasion, and may safely be left to their sense of public duty, the effect is expected to be produced by extraordinary

ordinary d
or confide
rudeness a

Their pu
means fit
them, as t
which is o
objects of
society, an
theless, gen
may last fo
been recall
his situati
pass before
then begin
predecessor

They thr
of being ad
porary repr
him no sup
heap the m
before coupl
government
and high-m
unjust, false
rious press,
the success
munity loses
less and insi
rest in the A

But we n
avoid bring
Lower Cana

No consti
system; and
Government
relieving the

There is a
exposes the
faction who c

It may be
who think de
can never be
rights would
expressed.

I append to th
corresponden
to involve him

In 1827, M
notice of Lor
lished at the

ity at the fe
their favour f
to financial co

Your Com
nity, but mere
degradation a

The British
after all that
alone be suff

made in its co
little about co
this, it is said,

ignorance an
the Legislatu
as the most ef

Canada, with
can scarcely l
be committing

make them in
Hitherto a

Canada from
situation of L
not too much

337.

ordinary deference and civility to the very persons who notoriously deserve least the respect or confidence of the Government. Those who have treated his predecessor with the greatest rudeness and injustice are the individuals whom it is most his care to conciliate.

Their public principles, and not unfrequently their private characters, make them by no means fit to be the chosen associates of the representative of our Sovereign. To be just to them, as to all others, is plainly a matter of duty—to treat them even with that courtesy which is observed towards strangers might not be improper, but to make them the particular objects of civility and favour, gives disgust to the respectable and well-affected portion of society, and brings the Government speedily into universal contempt. The policy, nevertheless, generally avails for one year, and with a Governor not particularly high-minded, it may last for two. The Assembly have at first a desire to mortify the Governor who has been recalled, by granting to his successor what they have withheld from him; then their hope of obtaining some important concession from their new Governor, before he understands his situation and duty, makes them extend the time a little longer; but two years can hardly pass before something is asked which the Governor either cannot or will not grant, and then begins with him the same course of treatment which enabled them to get rid of his predecessor.

They threaten to grant him no supply, and from that moment the choice is set before him of being added speedily to the list of displaced Governors, or of gaining at least a temporary reprieve by concessions. If he is firm his fate is certain; the Assembly will grant him no supply, and then, in order to make out a sufficient excuse for withholding it, they heap the most atrocious abuse upon their Governor. It matters not that his name was never before coupled with dishonour, that in the course of a long public service, and perhaps in the government of other colonies he has been respected and beloved; the generous nobleman and high-minded soldier finds himself suddenly held up to public odium as tyrannical, unjust, false, and perhaps even cowardly. Being vilified in the Assembly, and by a scurrilous press, he is concluded to be unpopular, and then his removal follows of course, when the succession of another Governor begins anew this game, by which every man in the colony loses except a few political leaders, the greater number of whom perhaps are worthless and insignificant in all other respects, except from their power to do evil, which their seat in the Assembly gives them.

But we must remember that the temptation to Governors is in several respects strong, to avoid bringing things to this issue, by making any possible sacrifice; and the history of Lower Canada furnishes too many instances where this temptation has prevailed.

No constitution can stand long against the assaults to which it is exposed under such a system; and it is the interest of all classes of persons, who really believe that their form of Government is worth preserving, to secure it against the greatest danger it is exposed to, by relieving the executive departments from a state of ruinous dependence on the Assembly.

There is another evil consequence of this dependence in the temptation to which it exposes the public officers of the colony, to ingratiate themselves with the leaders of a faction who can measure out to them, or withhold their subsistence, as they please.

It may be imagined, perhaps, that however obvious these considerations may be to those who think deeply, and feel rightly on matters of colonial Government, yet that the multitude can never be taught to see and acknowledge their force, and that every advocate of popular rights would feel himself bound to resist the conclusions which your Committee have expressed. In order to afford rather a striking proof to the contrary, your Committee will append to this report* some passages upon this subject, in a printed letter of Mr. Hume's correspondent, Mr. W. L. Mackenzie, who has lately carried his factious opposition so far as to involve himself in the guilt of high treason.

In 1827, Mr. Mackenzie, desirous it seems for some purpose of attracting the favourable notice of Lord Dalhousie, addressed a letter to that nobleman, which was printed and published at the time, and in which it will be found that the evils of placing "the royal authority at the feet of a popular assembly, and of obliging the officers of Government to court their favour for their daily bread," and the conviction, that under such a system "no end to financial controversy will ever be found," are very forcibly dwelt upon.

Your Committee of course do not cite this on account of the respectability of the authority, but merely to show how sensible the bitterest enemies of the Government are of the degradation and destruction inseparable from such a system.

The British inhabitants of Lower Canada are strongly impressed with an opinion, that after all that has taken place, the removal of this difficulty respecting the civil list would not alone be sufficient, and that the province can not prosper unless some material change is made in its constitution. The French Canadians are not an enterprising people; they care little about commerce, and are not zealous promoters of public improvement; and besides this, it is said, that their laws and customs have an unfavourable tendency, and that their ignorance and national prejudices forbid all hope of amendment through the agency of the Legislature. A legislative union of the provinces is proposed and very earnestly pressed, as the most effectual remedy. It probably is desired by the British population of Lower Canada, with very few exceptions, and their desire is natural—they may gain much, and can scarcely lose by the change. The people of Upper Canada, on the other hand, would be committing much to hazard by the trial: they are happily not in that state that should make them indifferent to any dangerous experiment.

Hitherto a fear of ill consequences to themselves has prevented the inhabitants of Upper Canada from seconding the desires that have been expressed for a legislative union: the situation of Lower Canada is now such as calls for some important change; for it is, perhaps, not too much to say, that the laws no longer afford to the British population there sufficient

UPPER
CANADA.

No. 29.
Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

*Appendix (M.)

*Appendix (N.)

cient security for their lives and properties. Although a strong military force must probably under any circumstances be maintained in Lower Canada for some time to come, yet that is not the resource that should be principally looked to for the future tranquillity of the province; and that were certain that peace and safety can be no otherwise assured to our fellow-subjects here, than by the desired legislative union, then your Committee would not hesitate to say, that the people of Upper Canada should consent to that measure, as they should indeed to any other, that upon a deliberate consideration of the case may appear to Parliament to be most expedient.

In the session of last year the Legislative Council concurred with the Assembly in an address to his late Majesty, deprecating an union of these provinces, a copy of which address is subjoined*, and of the reply which his Majesty was graciously pleased to give to the same; in which reply the assurance is conveyed, "that the project of an union between the two provinces had not been contemplated by his Majesty, as fit to be recommended for the sanction of Parliament*."

If the recent events in Lower Canada, which cannot be too much deplored, seem to present some arguments in favour of a legislative union, they appear to your Committee to suggest others of a contrary tendency, which it would not be safe to treat lightly.

The advantages which most readily occur are, that the union could scarcely fail to be favourable to the commercial interests of this province, and that it would increase our revenue, and enable us to advance more rapidly in some public improvements that are highly desirable. All such advantages however are dependent upon the continued tranquillity of the two provinces. In any scheme which your Committee have seen proposed for consideration, it is not explained upon what terms the union is to be carried into effect.

To have but one Legislature, with two executive Governments, would be in some respects inconvenient; and to have but one Government to rule so extensive a country, would not, as we apprehend, be found satisfactory or prudent.

But there are considerations of much greater moment than these, which it would not be advantageous at present to make the subjects of public discussion, but which incline us strongly to the conviction, that the social happiness of the people of Upper Canada, their internal peace, and the continuance of their connexion with Great Britain, are more secure under their present constitution, than they would be after the proposed union.

So far as we may be permitted to determine the question, upon a view of the interests of Upper Canada merely, our inclination is against the change; but if, without an union, the British population in Lower Canada cannot be secured in the enjoyment of British institutions, then of course it must follow, that the only question for consideration would be, the terms of the measure, and the fittest time for proposing it.

Your Committee forbear to enter upon a particular discussion of these points, because they cannot convince themselves that an union with Lower Canada alone would be safe or desirable for the inhabitants of this province. If a mature consideration of the present condition, and probable future state of Lower Canada, should seem to compel the Imperial Parliament to favour that project, there can be no doubt that ample opportunity will be afforded to the people of both provinces for offering any suggestions.

Another measure has been proposed, namely, the extending the limits of this province, so as to include the island of Montreal, and certain parts of the adjacent territory. There can be no doubt that this would be of incalculable advantage to Upper Canada, by giving her a port accessible from the ocean, and thus enabling her to raise a revenue commensurate with her wants. It would take from under the Government of Lower Canada, that portion of the population which has taken the lead in the late rebellious movement; and would place them under the influence of other laws and feelings, much to their own advantage, and to the benefit of both these colonies. The country which would then form the province of Lower Canada would neither be so likely to place itself in an attitude hostile to the mother country, nor would its hostility be so formidable: and under this arrangement, Quebec might continue, as it ought, to be the residence of the Governor-general. There are many advantages in favour of this plan, which, in the opinion of your Committee, should recommend it strongly to the notice of Her Majesty's Government.

There is yet another suggestion, which deserves at least to be kept in view, and that is an union of the British North American colonies, including perhaps among them, Newfoundland and Prince Edward Island. Quebec might be conveniently the head quarters of such a confederacy; the Legislature might meet in the summer; each colony might retain its own Legislature, for purposes purely local in their object, and all questions which could affect their relation to Great Britain or to each other might be settled in the united Legislature. There are many benefits which might fairly be expected from such a change, and they would be obtained without doing violence to any claims which the French Canadians may be disposed to rest upon numbers alone.

The progress of these colonies, as late events have shown, dispose and enable them more and more to manifest an interest in the affairs of each other, and to combine in maintaining their connexion with the empire, which all British subjects understand and feel to be indispensably necessary to their security and welfare.

Your Committee have merely alluded in general terms to these different schemes, without entering upon details, for they feel assured, that in a short time we shall receive some announcement of the course which Her Majesty's Government have thought it expedient to propose, upon the knowledge which they have acquired of the present condition of Lower Canada; and it will be more convenient to wait until this information reaches us. It is impossible to avoid looking with the greatest anxiety upon the present posture of affairs in that

that colony
its limits.

With r
apprised,
Committee
Upper Ca
The ste

an earnest
with Grea
sions, we
from host
do this in
had passe
removed;
of any law

That th
we may v
occasion,
able portio
the line of
bours in t
not our t
seen the p
rations for
and with t
either prov
certainty w
hostilities,
empire less
unhappily
colony, and

It may b
be attempt
war; but t
acquisition
total loss o
afford us a
The neces
any attempt
two month

The illu
councils of
of Upper C
this provin
necessary to
measure, at
the frontier
attempts as
sioned thes
for their ac

The inha
rallying poi
of so unprin
want of the
some tempo
very serious
as willing a
to render th
which they
sudden call

For want
considerable
rushed in n
hands, and
expected att
the river D
as we have
been made
haste to mee
there was no
had not prom
spirited and
impression n
diately a ver
war.

UPPER
CANADA.

No. 29.
Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

that colony, for in reality our safety is as much involved in the result as if we lived within its limits.

With respect to the other source of danger to this colony, of which we have lately been apprised, by the very extraordinary and unlooked-for occurrences upon our frontier, your Committee trusts that it may prove not unfortunate upon the whole, that the people of Upper Canada have been thus put upon their guard.

The steps which have been recently taken by the Government of the United States, show an earnest desire on their part to restrain their citizens from violating their amicable relations with Great Britain; but there still remains the question whether, upon this and future occasions, we shall be safe in relying upon the power of that Government to restrain its people from hostile aggressions upon the inhabitants of Upper Canada. So far as their inability to do this in the present instance may have proceeded from defects in the laws which Congress had passed upon this subject, there is every reason to suppose that the difficulty will be removed; but what we have witnessed forbids us to place entire confidence in the efficiency of any laws that may be enacted.

That the Government of the United States will in this respect desire to discharge its duty we may venture to anticipate, and it has been very satisfactorily shown upon the present occasion, that men of character throughout the United States, as well as the more respectable portion of the public press, are neither slow to perceive, nor backward in acknowledging, the line of conduct which it is the duty of their countrymen to adopt towards their neighbours in these colonies. Still we have received a very impressive warning that our best, if not our only adequate security will be found in being prepared to resist aggressions. We have seen the people in four of the States adjoining these provinces making open and active preparations for war against Canada, at a time when Great Britain was at peace within herself, and with the whole world, and after it was perfectly well known that not an inhabitant of either province was in arms against his Sovereign. It becomes us, therefore, to consider what certainty we have that the Government of the United States could restrain their people from hostilities, if the disturbed state of Europe, or any other cause, should leave the British empire less at leisure, than it now is, to extend its protection to its remote dominions, or if unhappily a strong feeling of opposition to the Government should be excited within this colony, and should break out into acts of open resistance.

It may be difficult to secure this province effectually against the impressions which would be attempted to be made along its frontier by the armies of the United States in a public war; but the vast naval superiority of Britain, and the means it gives her of placing the acquisition of these colonies out of the reach of the United States, except at the price of the total loss of their trade, and the probable destruction of their commercial cities, seems to afford us a reasonable security against this danger.

The necessity, however, of placing the frontier in such a state of defence as will check any attempt at an irregular predatory warfare, such as has been attempted within the last two months, is too evident to require that it should be insisted on.

The illustrious Duke of Wellington had not long held a responsible station in the councils of his country, before he took the most energetic measures for securing the frontier of Upper Canada against invasion. Several experienced officers of engineers were sent to this province expressly to examine into and report upon the positions which it would be necessary to occupy with this view, and it is known, that, in consequence of this provident measure, steps were actually taken for commencing military works at two or three points on the frontier, which would have placed us beyond the reach of danger from any such attempts as have lately been made; but we lament to say that changes in England occasioned these measures to be abandoned after they were fully resolved upon, and steps taken for their accomplishment.

The inhabitants of this province require but arms and ammunition, and two or three rallying points on which they could form, to render them perfectly safe against any attack of so unprincipled and lawless a character as they have lately had to encounter; but from want of these advantages the danger has been so imminent upon the present occasion, that some temporary advantage might have been gained, which must have been attended with very serious consequences. We doubt not that there are in Upper Canada 50,000 militia, as willing and as able to defend their soil from invaders as any country can boast of. But to render this force serviceable, it is necessary that there should be two or three arsenals to which they may resort for arms and ammunition, and where they could assemble upon any sudden call of duty.

For want of these precautions, the whole western frontier of this province was for a considerable time almost utterly defenceless, under very critical circumstances. The people rushed in numbers to the frontier to meet a threatened invasion, but without arms in their hands, and without the means of procuring them when they arrived at the point of the expected attack. The invaders from the State of Michigan took possession of an island in the river Detroit, and with an armed schooner began to batter the town of Amherstburgh, as we have already stated. The next day, under cover of their guns, a landing was to have been made upon our main shore. The loyal and gallant people who were assembled in haste to meet the invaders were but half armed; and they knew the discouraging fact, that there was not a field-piece of any description within nearly 300 miles of them. If their zeal had not prompted them to supply themselves with artillery and arms, by making a very spirited and successful attack upon their enemy, it is by no means improbable that such an impression might have been made upon our western frontier as would have given immediately a very serious character to the contest, and might have led inevitably to a national war.

307.

U 2

Your

UPPER
CANADA.

No. 20.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

144

CORRESPONDENCE RELATIVE TO THE

Your Committee cannot avoid, on this occasion, referring to the fact, that the small garrisons which for forty years had been maintained at Fort Niagara and at Ankerburg, have within the last two or three years been withdrawn; and a frontier of three hundred miles, bordering upon a foreign country, left for the first time without the presence of a British soldier. We have reason to believe, that this step was by no means approved of by the experienced officer who commanded the forces in this province; and independently of many other considerations which made it inadvisable to abolish these military stations, what has recently occurred has proved most clearly, that if economy led to the arrangement, as a measure of reduction, this attempt to effect a saving has proved most unfortunate. The presence of a company of regular soldiers, with half a dozen artillery-men, would most probably have prevented those proceedings among our neighbours, which are now rendering necessary an immense expenditure, such we fear as will be found to go very far beyond any saving which could have been hoped for from this unfortunate reduction.

We trust these posts will be immediately re-established, and that the Government of the mother country will take such steps in consequence of what has happened, and is still going on, as will prove unequivocally a resolution to defend this portion of Her Majesty's dominions against foreign enemies and domestic traitors, and to aid the people of Upper Canada in maintaining that connexion with the British empire, to which they have shown themselves so devotedly attached.

It seems astonishing, at the first view, that a few hundreds of persons in this province, and a few thousands in Lower Canada, without leaders of military skill or experience, and without resources, should have embarked in an undertaking so utterly hopeless, as the attempt to wrest these colonies from the dominion of Great Britain.

The fortress of Quebec commands the passage to the ocean. It would defy the valour and skill of an European enemy. How, then, were they to pull down the British standard, which waves over its citadel?—how could they expect to encounter, with success, the fleets and armies of England, which have proved an over-match for the world? They reckoned, as we know, upon the people of the United States for assistance. But were the people of that republic prepared again to commit their safety and prosperity to the chances of war, in a second attempt to possess themselves of Canada, and at a time when Great Britain had no other employment for her vast national strength than to guard with it the integrity of her own dominions?

Many of the people of these States, as we have found to our cost, were indeed rash enough to engage in this adventure. They could really hope, it seems, that by such a war as a few traitors in these colonies could carry on, aided by a portion of the people of the United States, but without the countenance, and of course without the resources of their Government, a dominion could be torn from under the sway of the British sceptre, which, when it was acquired by the valour of Wolf, was hailed by the British nation as one of the noblest conquests that had ever crowned their arms.

All this, indeed, looks like insanity; but it admits of a very rational explanation; and no intelligent person in these provinces is at a loss to account for it. The solution is this:—Neither the rebels in these provinces, nor their American auxiliaries, thought it by any means certain that the British Government would make the exertion necessary for retaining these colonies. They persuaded themselves, on the contrary, that they would not; and although we are convinced that they have erred in their judgment, they have seen much to encourage them to come to that conclusion. They have, for many years past, observed some of the most influential journals in the mother country denouncing the impolicy of retaining the Canadas, and, upon a cold calculation of interest, recommending that they should be cast adrift, and allowed to govern themselves, or turned over to the United States, upon the best bargain that could be made for them; they have seen a British subject, the Member for the Metropolitan county of England, exhorting the people of Canada to throw off "the baneful domination" of Great Britain, and holding up to them, for their imitation, the example of the "revolted colonies in 1776;"* they have seen those persons in the colonies, who were manifestly co-operating with him in this treasonable design, countenanced, encouraged and promoted by the Government; they have noticed, upon almost every occasion for many years past, when the public affairs of these provinces have been discussed in Parliament, a want of firmness on the part of the Ministers of the Crown in declaring their determination to maintain British authority and British institutions in their American colonies, and an apparent anxiety to admit, as a sort of test of liberality, that sooner or later changes must be made, which, it is clear, would prove destructive of both; they have observed a cautious withholding of that assurance of support to the loyal people of these colonies, which would at once have convinced the disaffected that their object was unattainable; and they have read declarations openly made to a Committee of the House of Commons, by a gentleman in the colonial department, who, from his station and duties, has properly exercised, and still exercises as great an influence in the Government of the American colonies, as any other individual in the empire, in which declaration the positions are advanced, that allegiance to the British Crown must be expected to be regarded in Canada, rather as a sentiment than a duty; that no fear of the power of Great Britain can reasonably be entertained by its inhabitants; that "revolt against European dominion, cannot be considered any where upon the continent of America as criminal or disgraceful; and that it can be regarded as no enviable distinction to be the only dependent portion of the New World;" from all which it would follow, that rebellion in Canada would be merely matter of taste; that it would be a safe experiment so far as British power is concerned; that it could neither be looked upon as wrong, nor disreputable; and that, in fact, it will be rather a reflection upon the spirit of the people of Canada, if they remain attached to the British Crown longer than they can help.

* Appendix (O.)

It is fit the British nation should know, that the feelings and consciences of the great mass of the people of Upper Canada revolt against these sentiments; that they do consider it their most enviable distinction, that they form part of the British empire; that republican institutions cannot be imposed upon them, while they have the means of resisting them by any sacrifice of life or property; and that whenever it may be attempted to make their soil a land of aliens to the British Crown, they will appeal to the Government which planted them there for protection and support; and they will appeal with the most perfect confidence, that that support can never, in the hour of trial, be denied to them.

The inhabitants of Canada do not believe, that any Government can take the fearful responsibility with the people of England of abandoning provinces whose commerce employs annually 1,200 British ships; and they feel that while they are ready with their lives to maintain their allegiance to the Crown, they have the same right to its protection, as if they trod the soil of Great Britain, or of Ireland. Whenever it may come to the trial, they know that they will not be left to struggle alone; that humanity, the ties of kindred, the sense of national honour, will alike forbid it; and that their fellow-subjects at home cannot, and will not submit, to see them torn from the British empire while it has strength to defend them. For her own sake then, as well as for the sake of the people of these provinces, and for the peace of the world, it is above all things, desirable that there should no longer be room for any misconception on this point. Twenty millions of money have, in a spirit of generous philanthropy, been devoted by Great Britain to the redemption of the coloured inhabitants of her West India Islands from a state of slavery; that however was a slavery regulated and mitigated by law. One million applied, as the noble Duke of Wellington was proceeding to apply it, ten years ago, would have secured a greater number of the free subjects of Britain in the Canadas, against all fear of that worst bondage, a subjection to hordes of foreign outlaws, who have grown up in the habitual disregard of those restraints which are necessary to insure liberty, and every other blessing that distinguishes civilized society.

Your Committee have been led to discuss so much at large those subjects which engross attention at the present moment, that they can scarcely do more than allude to some other matters, which are too important, nevertheless, to be wholly omitted, in a review of the political state of this province.

It is in their opinion exceedingly to be regretted, that the questions which have been agitated respecting the clergy reserves are still open, and apparently with as little prospect of a final settlement as at any former period. It is not surprising that Her Majesty's Government should be reluctant to undertake the task of endeavouring to bring these questions to a satisfactory decision, and that they should persevere in attempting to gain that desirable object through the intervention of the Provincial Legislature; for it is natural to suppose, that the advantage of more accurate local information should enable us to encounter the difficulty with greater convenience, and with better hopes of success. But we apprehend, that although the wish to see the question settled is almost universal in this province, there is, from various causes, but slender ground for believing that the Legislature will be able to concur in any satisfactory course.

Your Committee has no doubt that the Legislative Council still adheres to the general view taken by them of this important subject in the session of 1835, when it received their particular attention. It was then suggested by the Council, that before any legislation should take place respecting the reserves, it would be desirable to bring the legal rights of the respective claimants to the test of the most satisfactory judicial decision, which might be done by submitting the true construction and effect of the British statute, 31 Geo. 3, c. 31, to the consideration of the Judicial Committee of the Privy Council. After the right to the reserved lands, under the existing law, shall have been thus declared, or if Her Majesty shall think it inexpedient to make the reference, your Committee has no doubt that the Legislative Council will in either case concur in an enactment for putting it in the power of Her Majesty, or of the Imperial Parliament, to reconsider this great question, and to make such disposition of the clergy reserves as may appear just and right, provided that they shall be exclusively devoted to the maintenance of public worship, and the support of religion within the province. It is most earnestly to be desired, that the discussions and expectations upon this subject should be brought speedily to a close by some final measure, for it is painful to observe their tendency to produce bitterness of feeling among the different religious denominations, and to place in unfriendly opposition to each other, men who would be otherwise united in maintaining a just respect for our Government and laws.

There is another subject to which your Committee do not feel that they can properly forbear alluding, viz., the present condition of this province in respect to its finances. It is plain that the Legislature, in its great anxiety to advance the interests of commerce and agriculture, have gone to the very utmost limit of our resources, and have pledged the credit of Upper Canada to such an extent, that any temporary interruption or diminution of our revenue must lead to embarrassing results, unless a speedy remedy shall be applied. The experience of the present time must convince us that it is not safe to proceed upon calculations, which make no allowance for such political reverses as are now occasioned by the state of Lower Canada, and its probable consequences to our commerce. The first object of the Legislature will doubtless be to provide for maintaining the credit of the province unimpaired, by ensuring the punctual payment of interest upon the public debt; and your Committee is aware that the Legislative Council will be most anxious to concur with the House of Assembly in whatever measures may be best suited to this purpose. The next consideration is, the expediency of exercising a more cautious circumspection hereafter in adding to the debt of this colony. It is true that the great public works in which Upper Canada has so early engaged, are highly creditable to the enterprise of her

UPPER
CANADA.

No. 29.
Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

146

CORRESPONDENCE RELATIVE TO THE

people; and there can be no doubt that the rapid increase of population and wealth, will soon enable us to rise above any temporary pressure that may be occasioned by too eager an anticipation of our resources. But your Committee most earnestly hope that our increase of revenue may be so husbanded in future, that we shall have the cheering prospect of gradual relief from an incumbrance, which is certainly disproportioned to the present state of this province.

In remarking upon the confusion and difficulty which have arisen in Lower Canada, from the want of a permanent provision for the civil list, your Committee did not forget that the Executive Government of this province, although not left in the same state of total dependence, is still subject to be reduced at any time to the most serious difficulties, by the failure of the Legislature to vote the ordinary supplies. There are many important charges of the civil list which were not provided for when the duties levied under the 14 Geo. 3 were surrendered, and for which an annual vote is now necessary. This supply cannot be withheld, without producing great public inconvenience, and much injustice to the servants of the Crown; but it is scarcely necessary to state, that they were nevertheless withheld upon a late occasion, merely because the Executive Government and the Legislative Council would not give way upon points of vital importance to the peace and welfare of the colony.

The means of exercising so unfair a check in the administration of public affairs, may prove in time destructive of the balance of our constitution; and it will inevitably lead to frequent interruptions of the harmony of the Legislature. Upon the occasion alluded to, a dissolution of the Assembly was felt to be the necessary consequence; but your Committee need hardly observe that an effectual remedy is not always certain to be obtained by taking that course.

The willingness, or rather indeed the desire, lately shown by Her Majesty's Government, to surrender to the provincial legislature the casual and territorial revenue of the Crown, and the management and disposal of the Crown lands, is strikingly at variance with the policy which had ever before been constantly maintained in these colonies. Your Committee cannot now conveniently enter into a discussion of the principles involved in these very important changes; but they are far from being impressed with the conviction that such a relinquishment of the just rights and prerogatives of the Crown will contribute to the welfare of the colony. It may be said, that attacks, whether just or unjust, are always likely to be directed against the Government, on account of the appropriation of these revenues; but that does not afford a sufficient reason for transferring to the Legislature what unquestionably belongs to the Crown; and the policy of making such concessions, seems not more wise than would be the conduct of an officer, who being entrusted with the defence of a fortress, should employ himself in pulling down the walls, in order that there might be nothing left to fire at.

Nothing has yet been said by your Committee upon the subject of that proposition for a radical change in the constitution of the Canadas which has been much discussed of late years, and which the leaders of the Assembly, in the lower province particularly, have insisted upon with the most unreasonable violence; we mean the desire to make the Legislative Council an elective body. Since it has now become apparent that separation from the mother country was the object which these political leaders had really in view, it is not surprising that their efforts should have been mainly directed to the destruction of that barrier, which the Legislative Council must ever present to such treasonable projects, so long as its members are selected by the Crown from among the most loyal, intelligent, and respectable inhabitants of the colony. The value of this security has been felt by all who duly appreciate the blessings of good government, and who desire to maintain the connexion of these provinces with the empire. Although it seemed evident that any ill-advised change in this respect, made in one colony, was likely to be extended with little delay to the other, yet the people of this province have felt no very serious alarm on this subject, because they saw with satisfaction that the opinion of the Secretary of State for the Colonies was decidedly opposed to that ruinous innovation; so much so indeed, that the proposition was declared to be one which it could scarcely be considered proper to discuss. It was not altogether without apprehension, however, that in the official communications of the late Governor-general, and of the Royal Commissioners, some encouragement was observed to be afterwards afforded for looking for concession even upon this point. Late events, we trust, have put it out of the question, that any policy so destructive of British supremacy can ever be adopted; and it is only to be lamented, that it has not been always consistently and firmly declared, that so long as these provinces remain colonies of Great Britain, their Legislative Councils will undoubtedly be composed of members appointed for life by the Crown.

While your Committee have been engaged in preparing this report, the unexpected-for intelligence has been received, that his Excellency Sir Francis Head is to be succeeded in the Government of this province by Major-general Sir George Arthur, whose arrival may be daily expected.

It is just two years since the removal of his Excellency Sir John Colborne was as suddenly announced, and in both instances the change in the administration of the Government has been made under circumstances, that have not failed to excite very serious apprehension in the minds of all persons who are well affected to our Government, and desirous of preserving the connexion of Upper Canada with the British empire. We are aware that in each case the Lieutenant-governor is said to have resigned; but we are also

aware

aware, t
ness of
difficulty
of their
people w
of both
and the
receive m

It is
Colborne
state of
was purs
persuade
Sir Fran
seems to
colony a
feel a ve
continue

If the
Governm
prevailing
most pr
attached
that the
tion of a
a desire
falsely in
we earnest
will rescue

Com

Milit
His Ex
Canada,
regiments
Majesty's
the revere

While t
character
Excellency
tions of the
as if for the
public auth

Whatever
that they a
being contr
of all faith

The Lieut
authority, s
together in
affection of
all in their

With this
throughout
and acquai
John Colbo
as soon as t
were not so
Province, d
tion, have b
consequen
justice to th
ter, has been

Upon the
nant Govern
357.

aware, that each of these distinguished public officers is possessed of an energy and firmness of character, that would have prevented his retiring from the Government in a time of difficulty, from a regard to any personal consideration; and we know that at the moment of their desiring to be removed from the province, they stood high in the affections of the people whom they governed, and that there prevailed in the breast of every loyal inhabitant of both provinces of Canada, the utmost confidence in their political sentiments and views, and the fullest conviction that under their administration the enemies of the Crown would receive neither countenance nor support.

It is quite apparent, from the circumstances attending the hasty removal of Sir John Colborne, either that some unaccountable misapprehension existed with regard to the actual state of public feeling in Upper Canada, or that the policy which that distinguished officer was pursuing did not meet the support of his Majesty's Government. It will be difficult to persuade the people of this province that the same causes have not led to the departure of Sir Francis Head; and when they have seen and felt that the effect of the conduct, which seems to have been thus discontinued and discouraged, has been to produce in this colony a most decided, and almost universal support of British principles, they cannot but feel a very natural apprehension for the preservation of their constitution, and of their continued connexion with the parent state.

If these sudden changes, so injurious to the stability, and indeed to the dignity of the Government, and so dangerous to the public tranquillity, are to be ascribed to an impression prevailing in any quarter, that the opponents of monarchical institutions are those whom it is most prudent to conciliate, and that to that end the characters and feelings of the most attached subjects of the Crown must, for political expediency, be sacrificed, then we trust that the events of the last three months will correct this error, and may lead to the adoption of a course more generous and just. If it be possible that there can be in any quarter a desire to make Upper Canada the theatre for an experiment of principles, which it may be falsely imagined are more liberal and free than those secured by our present constitution, we earnestly hope that the wisdom of Parliament, and the good sense of the British nation, will rescue us in time from the danger which threatens our liberty and peace.

(signed) *William Dickson,
James Gordon,
John Macaulay.*

Committee Room, Legislative Council,
13 February 1838.

Appendix (A.)

Adjutant General's Office,
Toronto, 4th December, 1837.

Militia General Order.
His Excellency the Lieutenant Governor has pleasure in announcing to the militia of Upper Canada, that in consequence of the present disturbed state of the Lower Province, several regiments have gallantly expressed their readiness to co-operate in case of necessity with her Majesty's troops, in protecting their fellow subjects in Lower Canada in the maintenance of the revered laws and institutions of the British empire.

While this spirit, so honourable to Upper Canada and so fully in accordance with the character of its inhabitants, has been manifested in various portions of the province, his Excellency has with regret received information from various quarters, that in certain portions of the Home and London Districts a number of individuals have been seen assembled, as if for the purpose of drilling, some of them bearing arms, although not called upon by public authority, nor acting under the orders of any officer appointed by the Crown.

Whatever may be the motive of such assemblages, the Lieutenant Governor is of opinion, that they are calculated to excite alarm in the minds of all peaceable inhabitants, and that being contrary to law, they are inconsistent with that duty and allegiance which it is the pride of all faithful subjects to cherish.

The Lieutenant Governor has therefore determined to call upon all persons in public authority, as well as upon all classes of her Majesty's subjects in Upper Canada, to unite together in maintaining the high character which this Province now holds in the esteem and affection of the mother country, by discountenancing such illegal meetings, and by doing all in their power to discover and make known those who promote and take part in them.

With this object in view, the Lieutenant Governor directs that the colonels of militia throughout the Province shall, upon receiving this order, call out their respective regiments, and acquaint them of the above circumstances; as also that his Excellency's offer to Sir John Colborne, of her Majesty's troops who were in this Province, has been accepted; that as soon as the navigation closes, their return may be deemed impracticable; that even if it were not so, his Excellency on no account whatever, would consent to deprive the Lower Province, during this winter, of their assistance; that her Majesty's stores, arms and ammunition, have been entrusted by his Excellency to the civil authorities; and that the period has consequently arrived for his Excellency to call upon the militia of Upper Canada, to do justice to the honorable confidence which, under circumstances so flattering to their character, has been publicly reposed in their valour and in their loyalty.

Upon the militia of Upper Canada, as the constitutional force of the country, the Lieutenant Governor relies with confidence for aiding the civil powers firmly to maintain the laws, and

UPPER
CANADA.

No. 20.
Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

148

CORRESPONDENCE RELATIVE TO THE

and to protect all classes of the Queen's subjects in the full enjoyment of their rights and liberties; and his Excellency is fully assured, that if necessity should arise, the inhabitants of Upper Canada will not fail to place on record an honourable example of a people who, appreciating the blessings of peace and freedom, will allow no political differences of opinion to prevent them, when duly called upon, uniting to support their religion, the Crown, and the laws.

His Excellency therefore directs the colonels of militia throughout the Province, immediately to make such arrangements as may appear to them most judicious, for enabling their respective corps to act with promptness and effect, should any emergency render their services necessary. And in case the civil authorities should find occasion to suppress an illegal meeting, his Excellency especially refers to the 9th section of the Militia Act, passed in the 48th year of the reign of his late Majesty George the III., relying that the officers commanding regiments will, with alacrity, firmness and discretion, exercise the powers therein given to them, of suppressing with the force of their respective regiments, any attempts that may be made to oppose the civil magistrates, or to disturb the peace of the country.

The Lieutenant Governor is proud to believe, that Upper Canada is the only portion of the British empire divested of military support, and he feels confident, that the mother country as well as the continent of America, respect the steady peaceful conduct which at present so peculiarly distinguishes the inhabitants of the Upper Province of the Canadas.

By Order of his Excellency.

James Fitzgibbon,
Acting Adjutant General of Militia.

Appendix (B.)

Government House, 8th December 1837.

His Excellency the Lieutenant Governor warmly thanks, in the name of her Majesty the Queen, the loyal and gallant militia of Upper Canada, for their ready attention to the call of their country, when their services were required for putting down a cruel and unnatural rebellion.

His Excellency trusts, that that service has now been effectually rendered, and it only remains for him to take whatever steps may be necessary for the peace and security of the several districts, and to announce, with much satisfaction, that there appears to be no further occasion for the resort of militia to Toronto.

Appendix (C.)

Copy of a Despatch, from his Excellency Sir Francis Bond Head, Baronet, Lieutenant Governor of Upper Canada, to his Excellency Henry S. Fox, Esquire, her Majesty's Minister at Washington.

Government House,
Toronto, 23rd December 1837.

Sir,
It is my duty to lose no time in apprising your Excellency, that the peace and security of this Province are at this moment threatened, and that its territory is actually invaded by a large band of American citizens from Buffalo, who have taken up arms, and established themselves in a hostile manner on Navy Island, in the Niagara River, and within the territory of Upper Canada.

Your Excellency has no doubt learned from the public papers, that in consequence of the insurrection unhappily commenced in Lower Canada, but which, I have reason to believe, is now effectually suppressed, an attempt as rash and hopeless, as it was wicked, was lately made by three or four hundred persons in this vicinity, to involve this province also in the miseries of a civil war. In concert with this movement, an endeavour was also made to excite the people in another district to take up arms against the Government. Both these attempts were promptly and effectually suppressed by the loyal militia of this province, unaided by any military force. Most of the deluded persons who were engaged in these rash and criminal enterprises have surrendered themselves when taken prisoners; but the principal leader, William Lyon Mackenzie, and some of the most active of his followers, succeeded, with great difficulty, in making their escape to the adjoining State of New York. It was soon reported to me, that at Buffalo, to which place these traitors fled, strong symptoms were shown by numbers of American citizens, of an inclination to aid them with men and arms, and to supply them with other necessaries, in order to enable them to make a hostile invasion of this province.

That the public authorities in Buffalo, and the more respectable of the inhabitants, do discountenance such proceedings, I had no doubt, and their conduct since has justified that expectation; but as it was doubtful how far they might be able promptly to control this ebullition of hostile feeling towards a nation with which the United States held the strictest relations of amity and peace, I immediately addressed an official letter to his Excellency Governor Marcy, at Albany, of which a copy is herewith sent. No reply to this has yet reached me, nor do I know what steps, if any, have been taken on the part of the American Government, at Buffalo, to repress this hostile rising of their people.

Since that letter was written Mackenzie has been joined by some hundreds of American citizens

citizens
Island,
The
ment is
I am
that in
in this
unfair
it was
formida
the exist
the Gov
threaten
interfer
Thou
feel tha
if it be
the Am
Sovereig
military
bouring
unless
against
redresse
I beg
viction,
reprob

Copy
Governor
Minister
sure, No
1838, p.

Copy
Governor
at Wash
No. 1, in
p. 100.)

Procla
Despatch

LETT

Sir,
I REC
the 9th J
Bois Blar
dark it w
guards an
passed th
the wille
Bois Blar
placed, an
shore and
fire and t
surrender
up to the
The gen
ad on bo
357.

citizens from Buffalo and the adjacent villages, who have established themselves on Navy Island, as I have before mentioned, with artillery and arms procured in the United States. The paper printed at Buffalo, which I send you, will show the spirit in which this movement is urged forward.

I am, of course, taking all possible measures to repel invasion and insult, and I believe, that in a few days a considerable military force will be at hand to sustain our gallant militia in this extraordinary and unlooked-for conflict. I need not remark to your Excellency how unfair and unjust it is that a rebellion which, within this province was so insignificant, that it was instantly crushed by the civil inhabitants of the colony, should be revived and rendered formidable by the direct and active management of the American people; and that during the existence, not only of peace, but of the most friendly relations between Great Britain and the Government of the United States, the peaceful population of this Province should be threatened with devastation and plunder, and all the miseries of civil war, by the unjustifiable interference of American citizens.

Though inhabiting a remote portion of the British dominions, the people of Upper Canada feel that they may rest assured of being ultimately protected by the whole force of the empire, if it be necessary: they are conscious also, that they deserve kinder offices at the hands of the American people; and I appeal to you, in their name, and as the representative of their Sovereign, to urge upon the Government of the United States the immediate exertion of military force to suppress a movement of their people so insulting and injurious to a neighbouring nation, and which, whatever temporary calamity it may inflict, must inevitably, unless promptly checked, lead to a public war. Any wrongs which may be committed against the people of this colony will, under the protection of a just Providence, be amply redressed.

I beg your Excellency will not fail to assure the American Government of my sincere conviction, that the facts of which I complain will certainly meet with their most unqualified reprobation.

I have, &c.,

(signed) F. B. Head.

Copy of a Despatch, from his Excellency Sir Francis Bond Head, Baronet, Lieutenant Governor of Upper Canada, to his Excellency Henry S. Fox, Esquire, her Majesty's Minister at Washington; dated Toronto, Upper Canada, 8th January, 1838. (Vide Enclosure, No. 1, in Sir F. B. Head's Despatch to Lord Glenelg, dated Toronto, 10 January 1838, p. 53.)

Copy of a Despatch from his Excellency Sir Francis B. Head, Baronet, Lieutenant Governor of Upper Canada, to his Excellency Henry S. Fox, Esq. Her Majesty's Minister at Washington; dated Government House, Toronto, 30 January 1838. (Vide Enclosure, No. 1, in Sir F. B. Head's Despatch to Lord Glenelg, dated Toronto, 7 February 1838, p. 100.)

Appendix (D).

Proclamations of Thos. J. Sutherland. (Vide Enclosures, Nos. 2, 3 & 4, in Sir F. B. Head's Despatch, 7 February 1838, No. 26, pp. 102, 103.)

Appendix (E).

LETTER of Colonel Radcliffe, Commanding Western District Frontier, to Lieutenant-colonel Strachan, Military Secretary.

Sir,

Amherstburgh, 10 January 1838.

I BEG to state, for the information of his Excellency the Lieutenant-governor, that on the 9th January 1838, the schooner Anne, of Detroit, in the service of the rebels occupying Bois Blanc Island, was lying in the channel between the island and Fort Malden, and at dark it was perceived she neared the shore. On receiving this information I reinforced the guards and pickets and called the garrison to arms; the vessel then got under way and passed the town, into which she threw some round shot and grape; I immediately expected she would land men at a place called the Point, and exactly opposite the light-house at Bois Blanc, and ordered the men to proceed to that point, where I had a guard of 20 placed, and reinforced by an out-lying picket of 40 men. The vessel came close up to the shore and commenced firing grape and round shot, and musketry; the militia opened a brisk fire and the schooner ceased firing, when it was thought by some that she was willing to surrender; however, as she would not pull down the flag, our men boarded her, although up to their arms in water.

The general (Dr. Theller) was at that moment in the act of reloading the six-pounder they had on board; Captain Lang, of the Lake merchant navy, took the cartridge out of the

UPPER
CANADA.

No. 29.

Sir F. B. Head to/
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

150

CORRESPONDENCE RELATIVE TO THE

mouth of the gun: Mr. Ironside, acting captain of militia, took the flag. We found on board 21 persons, one killed, eight wounded, 12 prisoners; three pieces of cannon, not very useful; about 200 stand of arms, buff cross belts, ammunition, but of this but a small supply. When I receive a return you shall be informed more at length.

I have given directions to set fire to the schooner as soon as all the stores are taken out of her. I have just been informed that the enemy has got a steamer from Detroit called the *Fort*; the rebels seized her and the mayor or governor ordered her to be retaken, but the rebels refused, the city guards did not give them any further trouble: in fact, everything is done in this way; the rebels have taken six pieces of cannon at Detroit in the same way, and they are now on board the *Macomb* steamer at Detroit, and of course will be employed against us to-morrow.

One of our scouts has just come in to say that he supped in company with some rebels at Gibraltar Point last night, and they there said that it was their intention to attack Sandwich this night; that they would divert us by a show of passing about the channel, but the object was Sandwich.

I am now informed that the *Erie* steam-boat has passed between Bois Blanc and Sugar Island, and has discharged some cannon; I have ordered reinforcements to this point, and if I hear that they are coming nearer I shall beat to arms. This seems to be our weakest point, and I wish his Excellency would send a company or two of the line to assist. I have just had a letter from Colonel Hamilton at Windsor, saying that he had been well informed, that the rebels intended to attack Chatham this night, and if the water was not sufficient to take them up, that they would try Windsor or Sandwich.

This end of the country is very much exposed, and should be attended to in time. I have issued orders to send 100 men to Sandwich to assist there in case of attack.

I should be glad to know if his Excellency wishes to employ the Indians.

I have sent the prisoners to London gaol.

Your's, &c.

Thos. Radcliffe,

Colonel commanding Western District Frontier.

N. B.—The *Anne* of Detroit is aground, but have not yet burned her.

Lieutenant-Colonel Strachan, }
Military Secretary. }

Appendix (F.)

From the *Michigan Observer*, of 17th January 1838.

THE CANADA CRUSADE.

We had barely time to express in our last our deep abhorrence of the part the great mass of our citizens were acting in relation to the affairs of Canada. It really seemed as though they were perfectly beside themselves in this matter. Almost the entire mass of our population were wrought up to the highest pitch of excitement in behalf of the "Patriots." Such was the demonstration of popular feeling, that the man who had the moral daring to stand up in defence of the Constitution and the laws was hissed at and stigmatized as a Royalist. And we are told that this kind of phrenzy had spread itself into the interior, and to a greater or less extent, thrown nearly the whole population of the State into commotion.

We are happy now in being able to say that a reaction to some extent has taken place, and that our citizens appear to be coming to their senses. The motley group who were collected near the mouth of the river, to the number 1,000 or 1,200, have been partially dispersed; some of them have returned to their homes, and the remainder, with their commander, we are told, are lurking about this city. From all we can learn, we should think there never was such another set of men collected together on any occasion. We need not inform our readers, that every miserable vagabond in the street, when under the inspiration of alcohol, imagines that he was born to command. We do not say that any such reason as this should be alleged to account for the fact that there was such a host in this army of "Patriots," who put in their claims to command, and so few who were willing to be commanded, and that this was one of the causes which contributed to their dispersion,—because we were not there, and did not see it.

We will now endeavour to give some account of the operations of this patriot army. A man by the name of Theller, who kept a large whiskey establishment in this city, (Dr. Theller, we believe he was called) joined the patriots, and the next we hear of him, he is "General Theller," and the next is, that he, with 12 others, many of them "gallant officers," are on their way to London jail, to be tried for high treason against the British Government. They were captured on board the schooner *Anne*, together with a large portion of the arms, ammunition, and provisions of the "patriot army." There are many versions of the affair afloat; but the most probable seems to be, that Theller had the recklessness to sail up in front of Malden and pour his broadsides in upon the town, with the expectation of taking possession of it at once, and running away with all the glory. The sequel seems to be wrapped in mystery. One account says, that the British army lay concealed behind piles of

of wood
killing a
that the
their eit

With
contrave
Detroit i
to take

A M
arrested
evidence
he profes

What
is not k
they are
the pres
the city

Great
thize wit
arms and
informed
every col
claimed.

a govern
from the
with hor
very att
hearts, a
appreciat

How a
British s
run by m
thus expo
they need
scope for
or under
things ar
tell but t
for the op

Petition

To
vinci

The Peti

Resp

THAT s
quiet of a
rapine, ha
Lower Ca
tants of B
faction, m

That in
Association
able Hous
discontent
and at the
sympathy
Canada—
Provincial
Imperial C
disorders,

At the c
its inhabit
rather than
357.

No. 29.
Sir F. B. Head to
Lord Glenelg,
12 March 1838.
Encl. 3, in No. 29.

of wood and lumber, and that at a signal given, they opened a heavy fire upon the schooner, killing several, and cutting the rigging so as to render her unmanageable. Another story is that they were driven ashore by a strong adverse wind. Which account is correct, or whether either is, it is impossible to say, though the former is the most probable.

Within a day or two, several persons have been arrested in this city, on the charge of contravening the laws in aiding the rebel army. A Mr. M'Kinny, the chief manager of the Detroit theatre, who had suddenly become transformed into a colonel, has been bound over to take his trial at the June court. We believe that some others have also been bound over.

A Mr. Sutherland, who is called their general-in-chief, or some such name, was also arrested and examined before Judge Wilkins, but we believe the judge decided that the evidence before the court was not sufficient to authorise his commitment. We are told that he professes to be a man of fair character.

What are the intentions of that portion of the disbanded army who are now in this city is not known, but it is supposed that they are concerting a new plan of operations, and that they are determined to try their fortunes once more. Our city is in a constant turmoil from the presence of these men. The military is kept in constant requisition for the protection of the city; and not a night passes, but the quiet of our streets is disturbed.

Great indignation, we are told, is felt by these so-called patriots, and those who sympathize with them, because the coloured people on this side of the river have taken up arms and rallied around the standard of their adopted country, and we are credibly informed that it is the intention of these men, should they succeed in their designs, to send every coloured man in the Province back into southern slavery, so fast as they shall be claimed. And who can wonder that the coloured people of Canada should be attached to a government which reached out its arm of mercy and took them in? who can wonder, that from their experience in regard to the free institutions of our country, they should be filled with horror at the thought, that similar institutions were to be established over them? This very attachment is highly honourable to them as men. It shows that they are men of true hearts, and will never betray a benefactor. It shows, moreover, that they are capable of appreciating the blessings of liberty, and dread nothing so much as the woes of slavery.

How absolutely pitiful is it to see men so concerned to establish free institutions upon British soil, when we consider the condition of our own country, distracted and torn, overrun by murderous mobs, which bid defiance to the civil arm, and triumph in their blood, thus exposing our institutions to the derision of the world. If these men have patriotism, they need not go beyond the confines of our own beloved, bleeding country, to find full scope for its exercise. Infinitely better is it to be under British rule, or Russian despotism, or under anything in the shape of government, than to be at the mercy of a mob. And if things are to go on for a few years to come, as they have done for a few years past, who can tell but the dominions of Britain will be a refuge for us and our children, as they are now for the oppressed and suffering slave?

Appendix (G.)

Petition of the President and Secretary of the Constitutional Association of Montreal.

To the Knights, Citizens and Burgesses, of the Province of Upper Canada, in Provincial Parliament assembled.

The Petition of the undersigned, for themselves, and in behalf of the Constitutional Association of Montreal—

Respectfully represents to your Honourable House:—

THAT anarchy and confusion have set the laws at defiance, and destroyed the harmony and quiet of social life; that sedition and rebellion, followed by atrocious murder, robbery and rapine, have loudly proclaimed themselves in the most populous and prosperous portion of Lower Canada; and that the rights, the interests and the property of the provincial inhabitants of British origin have been jeopardised by the designs of a revolutionary French faction, madly bent upon their destruction.

That in order to expose the real views and designs of that faction, the Constitutional Association of Montreal have undertaken the important duty of explaining to your Honourable House, as succinctly as the nature of the subject will admit, the real cause of the discontent which has called into being the active disturbances at present most unhappily, and at the same time most unjustifiably, existing in this Province, and of appealing to the sympathy of your Honourable House in behalf of the inhabitants of British origin in Lower Canada—for the protection of their rights as British subjects—the maintenance of the Provincial connection with the parent State—and the acquirement, from the justice of the Imperial Government, of those remedial measures which will prevent a recurrence of existing disorders, and secure the prosperity and improvement of the colony.

At the conquest of the Province of Quebec by the British arms, the greater proportion of its inhabitants chose to remain in the Province, trusting to the generosity of their conquerors, rather than to return to the country of their ancestors; they became British subjects by the

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

mere fact of their Provincial residence, and subsequent civil and political benefactions conferred upon them, demonstrated their well-placed trust in the generosity of the British Government.

The full exercise of their religious worship, the complete enjoyment of their ancient civil laws, and the undisturbed use of their native language, were among the number of civil and political privileges guaranteed to them; and political privileges of equal extent to those enjoyed by the British Provincial inhabitants were, in addition, subsequently bestowed upon them.

The uncongeniality of the French laws, as a system of Provincial civil jurisprudence, with the spirit and feelings of British settlers, and their expressed desire for a change from the petty tyranny of a governor and council to the freedom of a representative Provincial government, procured still greater advantages for the French Canadians. In the year 1791, the division of the Province of Quebec into the two separate Provinces of Lower Canada and Upper Canada was carried into effect, and a constitution similar to that of the parent state was conferred upon each, whilst at the same time universal suffrage was, in effect, granted to their inhabitants.

It was conceived that this measure, by which one division should consist, as much as possible, of those who were well inclined to the English laws, and the other, of those who were attached to the French laws, was best adapted to put an end to all disputes of a legal sort—to reconcile the jarring interests and opposite views of the Provincial inhabitants—to prevent a great degree of animosity and confusion, from their rooted opposition of interests—and to obviate dissatisfaction from a great ascendancy of one party over another in a united legislature. Two objections to the measure were, however, neglected by the Minister of the day—that it fostered a population of foreigners in a British colony, and that it contained no provision whereby the inhabitants of the British islands should be totally excluded from settling themselves in Lower Canada.

The experience of fifty years of separation between the Provinces, and the present insurrectionary and seditious spirit exhibited in Lower Canada, plainly show how far the advantageous results anticipated from that impolitic and undesired measure have been realized.

The possession of the right of almost universal suffrage, and of a numerical popular majority of the Provincial constituency, gave the complete command of the representative branch of the legislature to the French Canadians, who soon exhibited a perfect knowledge of their advantage, and of that exclusive spirit which has since invariably actuated all their proceedings, and grown into a firm determination to accomplish their final purposes, of the destruction of the interests and rights of the Provincial inhabitants of British and Irish origin, and of the provincial connection subsisting with the parent State.

A cursory examination of the composition of the House of Assembly, from its establishment, will show, that with scarcely an exception, no individual of British or Irish origin has been returned to serve as a member of that body by a French Canadian majority, unless as a pledged supporter of French Canadian principles; with scarcely an exception, no Provincial law has been passed, how much soever required for the support of the interests, or the protection of the rights of the inhabitants of British and Irish origin, and that even these legal exceptions were invariably of a temporary nature, and subject to the capricious pleasure of French Canadian majorities. The spirit of the legislation of that body will show that its temporary character was adopted to render the Province the more completely subject to their controul, or to enable them the more easily to take advantage of their expected predominance, for the abrogation of those very temporary laws which they had been constrained to pass. The political principles of that body will show a fixed opposition to British interests, not only in their aversion, or rejection of every measure which would tend to the introduction of capital and of a British population into the Province; as, for example, an effectual system for the registration of mortgages, and an abrogation of the feudal tenure; but also in their positive introduction and adoption of every measure likely to tend to the privation of British and Irish rights, or to the destruction of British and Irish interests, such as the existing county division of the Province, by which the British and Irish constituency in the seignories has been completely swamped in the greater numbers of the French Canadians, and the defeated attempt to deprive their fellow subjects of British and Irish origin in the cities, tenants of leasehold property in co-partnership, from a right of voting for members of the Assembly. The claim of that body for the sole management and disposal of the whole revenue of the Province, has constantly had in view the attraction into their own hands of the entire Provincial authority, and of the subjection of the executive government to their arbitrary will. From their first insidious attempt in 1795, to obtain the repeal of the permanent appropriation contained in the Act of 1774, for the support of the civil government and the administration of justice, thereby to subject the executive government to their good pleasure for any further support than the pittance they then agreed to allow, through the whole course of the financial difficulties, which they have never allowed to slumber, by means of their annual supply bills—their difficulties as to the items of that supply—their representations in 1822, not to grant permanent supplies, or supplies during the Sovereign's life—their delegation to England in 1828—and the whole category of their agitation upon this subject down to the year 1831, when the full accomplishment of their long sought desires was obtained from the good faith of the British Government, by the repeal of the permanent appropriations, their first, last great object, was to obtain possession of the Provincial revenues, well knowing that by this means the government

government
body as
population
abrogation
the Assem
thereby
the Tenu
apprehen
indisposi
are princ
to co-ope
by which
thereby a
cious end
found the
The histo
political
—the aggr
origin.

The rec
in 1828,
agent for
he declar
mons in
in the to
of the rig
Canada;
facilities
the means
according
that the
Institution
Council sh
effecting
of extendi

In the fi
enjoyment
language,
Governme
of a numer
people of
of prejudi
life, or to
attached,
whom the
proportion
increased,
assumed th

The Fre
active opp
taught to
to feel tow
same count
themselves
that they
feebleness
population
own exam
and individ
into popula
the object
noon-day m

It is this
in this prov
not of polit
brought sed
complete ad
province is

This conc
Representat
which will
altogether r
367.

government would be cast into their hands. Finally, the detail of the grievances of that body as representing the opinions of their constituency, the so called great mass of the population, complete the evidence of their exclusive interests; in them will be found the abrogation of the charter granted to the British American Land Company, by means of which the Assembly sought to assume the management of the waste lands in the townships, and thereby to prevent the settlement therein of a British and Irish population; the repeal of the Tenures Act, by which a commutation of seigniorial tenure may be effected, from their apprehension of its leading to the introduction into the Province of British capital; their indisposition to encourage the settlement of the townships of this Province, because they are principally inhabited by a British, Irish, and American population; their unwillingness to co-operate with Upper Canada in the extensive improvements in progress in that Province, by which its settlement and prosperity might be augmented, and like advantages might thereby accrue to the British and Irish inhabitants of Lower Canada; and their pertinacious endeavours to render the legislative council elective, because in it alone were to be found the means of opposing the exclusive pretensions, and of protecting British interests. The history of the House of Assembly in its composition, its legislation, its spirit and political principles, fully establish the aim which its members have constantly kept in view—the aggrandizement of the population of French, and the oppression of that of British origin.

The recorded testimony of a French Canadian leader, and one of the delegates to England, in 1828, to represent the grievances of his fellow countrymen, and since that time their paid agent for similar purposes, corroborate the views taken by the Constitutional Association; he declared in his examination before the Canadian Committee of the House of Commons in 1828, that “the establishment of the English laws as applicable to property held in the townships on the tenure of free and common socage, would be an infringement of the rights belonging to the French Canadians, if not done by the Legislature of Lower Canada; that the French laws should be allowed to continue all over the country—that facilities should have been given to the French Canadians to settle in the townships—that the means of going there should have been given to them—that a system of education according to the notions and ideas of the French Canadians should have been followed—that the desire of the French Canadians must necessarily be to keep up their own institutions, and to preserve their laws in every part of the country—that the Legislative Council should be composed of men who would side with the mass of the people, and in effecting this latter arrangement, that its natural effect would be to secure the means of extending the French laws and the French Canadian system over Lower Canada.”

In the full and complete security of their persons and property, in the free and unrestricted enjoyment of their religious worship, their ancient civil laws, their native and beloved language, and of an equality of rights and privileges in the Provincial Representative Government, with their fellow subjects of British and Irish origin, in possession, moreover, of a numerical majority, the French Canadians could have no sympathies in common with people of another race and speaking another language, no inducement to divest themselves of prejudices dear to them alike from the associations of country and the recollections of life, or to abandon habits and customs which they cherished, and to which they were firmly attached, for the questionable advantages to be obtained from assimilation with strangers, whom they were taught to disregard; and the natural consequence has been, that in proportion as the French Canadian population has increased, those evils have likewise increased, until the repugnance to British interests and British connection has finally assumed the form of open and declared rebellion.

The French Canadian population were thus not only nationally inclined to mark their active opposition to their fellow subjects of British and Irish origin, but they have been taught to consider them as strangers and trespassers upon their soil; they have been taught to feel towards them none of those kindly sympathies which unite together subjects of the same country and possessors of the same rights; they have, in fine, been taught to believe themselves oppressed by their fellow subjects of British and Irish origin, and to imagine that they possessed the power of expelling their oppressors. Overlooking their moral feebleness in physical capability, desperate men made an open livelihood by influencing the population of French origin to acts of violence; missionaries of insurrection by their own example, ostentatiously showed to them the manner of setting the laws at defiance; and individuals, loaded with every species of personal contempt, aggravated a local pressure into popular tumult, or embittered an unimportant grievance into bloodshed. In all cases the object was attained, active discontent was introduced into the passive population, and moon-day meetings gradually ripened into sedition and rebellion.

It is this exclusive French spirit alone which has given rise to all the discontent existing in this province; it is this which has, in fact, made this question one of national origin, and not of political party; in it is to be discovered the source of all the disturbances which have brought sedition and rebellion in their train; and in it alone is to be found a full and complete answer to the inquiry, to what causes the present unhappy condition of this province is to be ascribed.

This conclusion is borne out by the text-book of the complaints of the French Canadian Representatives, adopted in 1834, the famous 92 resolutions of the House of Assembly, in which will be found a detail of grievances and abuses which that body knew to be either altogether redressed, or in active course of being so; reference is therein principally had to those

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

those which have already been adverted to, the introduction of the elective principle into the composition of the Legislative Council, the abrogation of the Tenures Act, and the disposal of the whole revenue of the province; the two former have been most wisely refused, the latter as unwisely granted, while by their own admission, no real oppression exists in the province, and no real grievance consistent with the preservation of British supremacy remains unredressed.

The French Canadian leaders have endeavoured to excite the sympathy of the citizens of the United States, and of the professed republicans in Upper Canada, in behalf of themselves and their fellow-countrymen, by constantly appealing to their assistance for the support of popular institutions and popular rights, as if their real views were republican, and as if that form of government were favoured by the French Canadian population. It is sufficient to meet this fallacious inference with a direct denial as being contrary to the fact, and to the habits, feelings, and customs of that population, and as being altogether disproved by the evident principle of all the measures which have been proposed or approved by the French Canadian population, or its representatives in Provincial Parliament assembled, which plainly show that their views did not extend beyond the means of securing their own exclusive designs and intentions.

Your petitioners submit, that the provincial inhabitants of British origin have real and substantial grounds of complaint; they have been compelled to submit to a system of jurisprudence foreign to their habits and injurious to their interests; to a feudal law which, to the disgrace of the Provincial Legislature, finds a home in Lower Canada alone, to a denial of those legislative improvements which would have introduced British capital and enterprise into the province, and increased therein a British population, and to their privation of their dearest rights as British subjects, in their virtual exclusion from a just participation in the Provincial representation.

Although their supplications and petitions for relief have been unheeded, amidst the clamours of an insurrectionary faction, these loyal subjects still confidently trust in the magnanimity of the mother country, and still anticipate from her justice an entire redress of their unmerited and patiently endured grievances.

At the same time your petitioners conceive that, without a total abandonment of the policy now adopted towards this province, and its Anglification in fact as well as in appearance, by means principally of its re-union with Upper Canada, the same evils will exist, the same causes of disorder will continue, and the same attempts at sedition and rebellion will again occur.

Your petitioners are firmly convinced that the re-union of the Canadas is not only the most effectual means of preventing a recurrence of the disasters which have already occurred, but that it will produce to Upper Canada advantages which cannot be anticipated from any other measure; a more equal proportion of the general revenue, a free outlet to the ocean, and a practical utility for the magnificent improvements in progress at her expense within her own limits; that it will at the same time promote the prosperity of both the provinces, secure their just dependence upon the British Government, and prevent a dismemberment of the empire.

Your petitioners most respectfully entreat your honourable House to take the situation of the British inhabitants of Lower Canada into your serious consideration, and to advise such measures as will promote the objects which your petitioners have in view—the complete Anglification of this Province, and its re-union with Upper Canada.

And your petitioners, as in duty bound, will ever pray.

Peter McGill,
President, Constitutional Association of Montreal.

W. Badgley,
Secretary, Constitutional Association of Montreal.

Montreal, 13 December 1837.

Appendix (H).

Resolutions of the Assembly of Lower Canada, for expunging Speech of the Governor-in-Chief from their Journals.

Monday, 23 February 1835.

The House went into committee on his Excellency's speech at the close of the last session, and passed the following resolutions, which were reported and agreed to:

1. Resolved—That any censure of the proceedings of this House on the part of another branch of the Legislature, or of the Executive Government, is a violation of the statute in virtue of which this House was constructed; an infringement of its privileges which they cannot dispense with protesting against, and a dangerous attack upon the rights and liberties of His Majesty's subjects in this Province.

2. Resolved

2. Resolved
addressed to
relates to the
two Houses
of grievance
the same, in
proceedings
Legislature,
His Majesty
3. Resolved

Yeas—M
Bertrand, J
Caron, Caze
Donne, J. I
Haot, Kimb
Mousseau,
Rodier, Roy
Viger,—64.

Nays—M
Wells,—8.

AN Act to
Justice, and

WHEREAS
upon wine, r
called the P
goods import
of the surren
it is expedie
instead there
more adequa
support of th
loyal subject
beseech Your
Majesty, by
Commons, in
and after the
eau de vie de
dried goods i
Most Christi
thereof, ther
and paid, un
inafter menti
over and abo
Parliament,

THE order
amend an Ac
Fund toward
Government
It was mov
Which bein
The questio
It was reso

"Dissem
"Because
Lower Canad
by His Majes
Act of the 14
337.

2. Resolved—That that part of the speech of his Excellency the Governor-in-Chief addressed to this House on the 18th March last, at the close of the last session, and which relates to the petitions addressed by this House to His Most Gracious Majesty, and to the two Houses of Parliament of the United Kingdom, on the state of the Province, complaining of grievances and abuses which exist in this province, and indicating the means of remedying the same, is a censure on the part of the Head of the Executive of this Province, of the proceedings of this House, which had acted as an equal and independent branch of the Legislature, for divers good causes and considerations to itself known, for the benefit of His Majesty's subjects in this Province, and of his Government therein.

3. Resolved—That the said speech be expunged from the Journals of this House.

Yeas—Messrs. Amiot, Archambeault, Bardy, Barnard, Beaudouin, Bedard, Berthelot, Bertrand, Besserer, Blanchard, Boue, Boufiard, Bouchier, Bureau, Cardinal, Careau, Caron, Cazeau, Cherrier, Child, Coté, Courteau, De Bleury, Deblois, Dégigny, De Witt, Dionne, J. Dorion, P. A. Dorion, Drolet, Dubord, Girouard, Godbout, Grannis, Hotchkiss, Huot, Kimber, Lacoste, Lafontaine, Larue, Leslie, Marquis, Meilleur, Méthot, Morin, Mousseau, Noel, O'Callaghan, Pickel, Perrault, Proulx, Raymond, Rocbrune, Rochon, Rodier, Roy, Simon, Taché, A. C. Taschereau, P. E. Taschereau, Tessier, Toomy, Trudel, Viger.—44.

Nays—Messrs. Baker, Blackburn, Bowman, Clapham, Guy, Moore, Power, and Wells.—0.

Appendix (I.)

(14 Geo. III. chap. 88. 1774.)

AN Act to establish a Fund towards further defraying the Charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec, in America.

WHEREAS certain duties were imposed by the authority of His Most Christian Majesty, upon wine, rum, brandy, eau de vie de liqueur, imported into the Province of Canada, now called the Province of Quebec, and also a duty of 3*l*. per centum *ad valorem*, upon all dry goods imported into, and exported from the said Province, which duties subsisted at the time of the surrender of the said Province to Your Majesty's forces in the late war: And whereas it is expedient that the said duties should cease and be discontinued; and that in lieu and instead thereof, other duties should be raised by the authority of Parliament, for making a more adequate provision for defraying the charge of the administration of justice, and the support of the civil government in the said Province: We Your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the 5th day of April 1775, all the duties which were imposed upon rum, brandy, eau de vie de liqueur, within the said Province, and also of 3*l*. per centum *ad valorem*, on dried goods imported into, or exported from the said Province, under the authority of His Most Christian Majesty, shall be and are hereby discontinued; and that in lieu and instead thereof, there shall, from and after the said 5th day of April 1775, be raised, levied, collected and paid, unto His Majesty, his heirs and successors, for and upon the respective goods hereinafter mentioned, which shall be imported or brought into any part of the said Province, over and above all other duties now payable in the said Province, by any Act or Acts of Parliament, the several rates and duties following: that is to say,

[Here follows the Table of Duties upon rum, brandy, &c.]

Appendix (J.)

LORDS' JOURNALS.

6 September 1831.

THE order of the day being read for the third reading of the bill entitled, "An Act to amend an Act of the 14th year of His Majesty King George the Third, for establishing a Fund towards defraying the charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec, in America.

It was moved that the said bill be now read the third time."

Which being objected to;

The question was put thereupon?

It was resolved in the affirmative—

"Dissentient—

"Because the Bill transfers to the Legislative Council and Assemblies of Upper and Lower Canada, by any Act to be by those Legislatures respectively passed, and assented to by His Majesty, the exclusive appropriation of the duties levied under the authority of the Act of the 14 Geo. 3. chap. 88. hitherto applied, by warrant of the Lords of the Treasury, towards

357.

x 4

towards

2. Resolved

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

towards defraying the expense of the administration of justice, and the support of the civil government in those Provinces respectively, by authority of the same Act.

"The House of Assembly of the Province of Lower Canada has, up to this time, omitted to make any permanent provision to defray the expense of those charges in that Province; and the judges and others employed in the administration of justice, and the governor, and the officers of the civil government, are left to be provided for by annual vote of the Legislative Assembly of the Province.

"These persons will thus become dependent upon the continued favour of the Legislative Assembly for the reward of their labours and service; the administration of justice within the Province of Lower Canada can, no longer, be deemed independent; and His Majesty's subjects will have justice administered to them by judges, and will be governed by officers, situated as above described.

"Wellington."

Then the said bill was read the third time.

The question was put, "Whether this bill shall pass?"

It was resolved in the affirmative.

Appendix (K.)

(1 & 2 Will. IV. chap. 23.)

AN Act to amend an Act of the 14th year of His Majesty King George the Third, for establishing a Fund towards defraying the charges of the administration of Justice, and support of the Civil Government of the Province of Quebec, in America.

[22 September 1831.]

(Preamble recites 14 Geo. III. chap. 88.)

"AND whereas the said Province of Quebec hath, since the enactment of the said Act, been divided into the two Provinces of Upper and Lower Canada: And whereas it is expedient to make further provision for the appropriation of the duties raised, levied and collected under the said Act: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for the Legislative Councils and Assemblies of the said Provinces of Upper and Lower Canada, respectively, by any Acts to be by them from time to time passed, and assented to by His Majesty, his heirs and successors, or on his or their behalf, to appropriate, in such and to such purposes as to them respectively shall seem meet, all the monies that shall hereafter arise by or be produced from the said duties, except so much of such monies as shall be necessarily defrayed for the charges of raising, collecting, levying, recovering, answering, paying and accounting for the same."

Appendix (L.)

Extracts from Letter to the Earl of Dalhousie, from Mr. W. L. Mackenzie.

(From the Colonial Advocate, published by Mr. Mackenzie, of 10 May 1827.)

To the Right Honourable the Earl of Dalhousie.

"My Lord,

"For it is so generous in your Lordship not willingly to prostrate the whole of the servants of His Majesty at the feet of the Commons, at the mercy of their annual vote, contrary to the usage of England, where the civil list is voted for the life of the King, while the Canadian supplies, if allowed to pass in the way in which it is said they desire, would place the royal authority and influence in Lower Canada entirely at the mercy of a majority in the Assembly, for the time being, and so oblige the officers of Government to court popular favour for daily bread; would place the judges of the land in that slavish state of dependence on the populace which produced so much real evil in Massachusetts, and which in the rich State of New York has made cheap justice a byword, and the miserable pittance allowed the administrators of the laws a reproach.

"So far your Lordship's administration is just and reasonable."

"So far back as in Governor Burnett's time (son to the excellent historian of his own times,) there were financial difficulties in Massachusetts. They would not allow the governor any fixed salary, only what they pleased yearly; and when he tried to indemnify himself by imposing a duty on vessels leaving the harbour, he was complained of to the King: the controversy lasted till his death, when, as Sir Walter Scott informs us, the Assembly relented in their resentment, and erected a monument to his memory."

"And so would the Assembly of Lower Canada to your Lordship, were your Lordship, unfortunately for the country, called hence. But while the constitution remains as it is, no end to financial controversy will ever be found; it is impossible. For if your Lordship were

to conce
perhaps
enough
New En
South a
country

"Tho
New En
pleased
nearly a
democrac
they hav

"With
less resp
and with
States m
adduced
where the
less inde
of educat

"When
ship. In
as a Briti
often led
measures
should ha
power and
the glory
liberty, th
gibed in
wish to se
and prosp
would be p
allegiance
"In the
ever shall.

"That
uniting the

"York,

Most
We, You
of Upper C
Majesty, ex
local Govern
thizing with
by the long
own interest
forborne to i
of public aff
That we h
policy which
between us
Province, of
and interest
siderately, to
as a remedy
We have
publicly offe
fellow subject
willing to ris
selves, that t
expedient, an
367.

AFFAIRS OF LOWER CANADA, &c.

157

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 39.

to concede the Crown duties, some other topic fruitful in discord would supply their place; perhaps the Post-office revenue, perhaps a thousand other matters to which importance enough would be given to cause dissension.—Your Lordship may yet see the day when the New England States and the great State of New York, will recede from their union with the South and West, and being joined with these Colonies, form an integral portion of the country of their fathers, Great Britain and Ireland."

"Those who choose to doubt the possibility of a cordial re-union between Britain and her New England Colonies, on the ground that the latter are wedded to republicanism, will be pleased to look back into the volume of English history, and they will find that Britain was nearly as long a republic, under the protectorate of Cromwell, as New England has been a democracy under the United States, and that the people got so tired of republicanism that they have preferred a limited monarchy ever since."

"With an aristocracy of more imperishable materials than at present exists, with a ruler less responsible, less liable to be changed at the caprice of the opposition for the time being, and with a House of Representatives less trammelled by countervailing state laws, the United States might prosper. But it is with me one of the strongest arguments which can be adduced against the abolition of the British primogeniture laws, that in those republics where they have been abolished, and where more equalizing laws of inheritance obtain, a less independent and less valuable class of persons usurp the places of the country gentlemen of education, manly principle, and honourable family."

"When I established this newspaper in May 1824, I sent the first number to your Lordship. In my earliest address to the public I avowed the principles by which I was actuated as a British born subject, and although I say it, and say it with regret, that I have been too often led into useless arguments upon the local and personal disputes of individuals upon the measures of the Provincial Government, and even upon still more trivial subjects, when I should have devoted my journal (as originally intended) to a consideration of the wealth, power and resources of my country, I can nevertheless truly declare that I have ever desired the glory and prosperity of Britain. In 1824 I stated that I preferred British to American liberty, that I thought a limited monarchy compatible with freedom, that I disliked to hear us gibed in Congress as the distant dependencies of a distant monarchy, that I would never wish to see these Colonies united to the States, that I trusted to see British America thrive and prosper fall as well as these States, and that I hoped the time would arrive when Canada would be pointed out as a model for other governments; I also avowed having sworn voluntary allegiance to my king and country."

"In these principles and these opinions I remain to this day unchanged, and I trust I ever shall."

"That your Lordship's administration may be a means in the hand of Providence of uniting these countries to Britain by an indissoluble tie, is the sincere and heart-felt wish of
"My Lord, your Lordship's most obedient humble servant,

"York, 23 April 1837."

"W. L. Mackenzie."

Appendix (M.)

Address to the King, on the subject of the Union of the Provinces.
To the King's Most Excellent Majesty.

Most Gracious Sovereign:

We, Your Majesty's most dutiful and loyal subjects, the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to address Your Majesty, expressing the great concern which we feel at the present embarrassed state of the local Government in Your Majesty's Colony of Lower Canada. Though deeply sympathizing with that portion of Your Majesty's subjects whose tranquillity has been disturbed by the long pending difficulties in that Province; and though fully sensible how fatally our own interests and security are liable to be affected by their possible result, we have hitherto forbore to intrude upon Your Majesty with any expression of our opinions upon the posture of public affairs in that Colony.

That we have not now presumed to address Your Majesty in order to remark upon the policy which has hitherto been pursued in the government of that Colony, which interposes between us and the United Kingdom, but for the purpose which more directly concerns this Province, of stating to Your Majesty our apprehension, that a mistaken view of the condition and interests of the people of Upper and Lower Canada may prompt some persons, inconsiderately, to press upon Your Majesty's Government the measure of uniting these Provinces, as a remedy for existing evils.

We have for some time past observed, that suggestions of such a nature have been publicly offered both in England and Lower Canada, and we are not surprised that our fellow subjects of that Province, who are suffering under the present difficulties, should be willing to risk the consequences of such an experiment. They may easily persuade themselves, that their situation can scarcely be rendered more embarrassing by the failure of any expedient, and they are not to be blamed, if in the hope of obtaining some relief by the change,

Encl. 3, in No. 29.

We earnestly trust, nevertheless, that Your Majesty will graciously condescend to consider that the political condition of 400,000 of Your Majesty's subjects cannot be other than most materially affected by no important a change in their government. We are of opinion that such a change would expose us to the danger of consequences certainly detrimental, and possibly most ruinous to the peace and welfare of this country, and destructive of its connection with the parent state.

The population which Upper Canada contains is almost without exception of British descent. They speak the same language, and have the same laws, and in the pride this these laws are derived from their mother country, and are unmix'd with rules and customs of foreign origin. They are happily free from those causes of difficulty which are found so embarrassing in the Province, we cannot but most earnestly hope that we shall be suffered so confidently to trust that your Majesty's paternal regard for your numerous and loyal subjects in this colony, will not be so sensibly a doubtful experiment to be hazarded, which may be attended with consequences so detrimental to their peace, and injurious to the best interests of themselves and their posterity.

(signed) *John B. Robinson, Speaker, L. C.*
Archibald M'Lean, Speaker, H. A.

3 March 1867

Appendix (N.)

Reply on the subject of the Joint Address deprecating an Union of the two Provinces.

170.

Downing-street, 21 April 1837.

I HAVE the honour to acknowledge your Despatch (No. 26) of the 4th ultimo, in which you transmit to me an address to his Majesty, from the Legislative Council and House of Assembly of Upper Canada, deprecating an Union between the two Provinces of Upper and Lower Canada.

I beg leave to acquaint you, that having laid this address before the King, his Majesty has been pleased to receive the same very graciously, and to command me to observe, that the project of an Union between the two Provinces has not been contemplated by his Majesty as fit to be recommended for the sanction of Parliament.

I have, &c.

Sir F. Hend. &c. &c. &c.

(signed) *Glenelg.*

Appendix (O.)

Mr. *Hume's* Letter to Mr. *Mackenzie*.

(Published by Mr. Mackenzie, in his Colonial Advocate of 22d May 1834.)

My dear Sir,

Bryanston-square, 29 March 1834.

I have recently received files of the Vindicator and Reformer Journals, and am pleased to observe that the electors of the county of York continue firm and consistent in their support to you, and that you manifest the same determined spirit of opposition to abuse and misrule.

The Government, and the majority of the Assembly, appear to have lost that little portion of common sense and the prudence which society in general now possess, and they sacrifice the greatest of public principles in gratifying a paltry and mean revenge against you.

Your triumphal election on the 10th, and ejection from the Assembly on the 15th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony.

I regret to think that the proceedings of Mr. Stanley, which manifest a total want of knowledge of mankind as they prove a total ignorance of the spirit and liberal feelings of the present generation, encourage you to persevere in the course that you are pursuing. But I confidently trust that the enlightened people of Canada will not, as these days, be over-awed, or cheated of their rights and liberties by such men. Your cause is not your cause—your defeat would be their subjugation. Go on, therefore, I beseech you, and your glorious success must inevitably crown your joint efforts.

Mr. Stanley must be taught that the follies and wickedness of Mr. Pitt's government, in the commencement of the French revolution, cannot be repeated now either at home or abroad, without results very different from what then took place. The profane contrast between 1772 and 1782 in America ought not to be forgotten; and to the honour of the Americans, and for the interest of the civilized world, let their conduct and the result be ever in view.

I have lately seen, with mingled feelings of pity and contempt, the attack made by Mr. Ryerson against my public and private conduct, and also against those who generally act

I feel
public
observat
It is a
man, the
assistance
You with
verbally a
religious
and of m
taken. V
the repre
business
his missio
deserves
known to
his pious
deserves t

In the
has proved
of honour

P. S.—
Governme
To W.
Y

From

"It is
that the al
strongly fe
and South
'disgraceful
your favou
portion of
ancient aff
justice, an
nexion."—
Colonies, b
"We ne
was so nec
cheer; vig
delicately
yet, confid
8 February

THE COURT
the state of
of Thursday

The new concealment "for effect" in addition, the Canadians, ashes. We nor 10,000 determined 357.

Sir F. B. Head to
Lord Glenelg,
13 March 1838.

Encl. 3, in No. 29.

me. I candidly acknowledge, that of all the renegades and apostates from public principle and private honour, which, during a long course of public life I have known (and with regret I say I have known many), I never knew a more worthless hypocrite or so base as Mr. Ryerson has proved himself to be.

I pity for him, for the sake of our common nature, to think that such human depravity can exist in an enlightened society, and I fear that the pangs of a guilty and self-conscious conscience must make his venal and corrupt breast a second hell, and, ere long, render his existence truly miserable.

I feel utter contempt for any statement that Mr. Ryerson can make of my private or public conduct, although he has had every opportunity of private intimacy and of public observation to know the truth.

It is humiliating to the character of man, ay, and particularly of a pretended religious man, when I recollect with what earnestness he sought and obtained my sincere and zealous assistance to forward the cause of the civil and religious liberty which he then advocated. You witnessed his expression of thanks and of gratitude to me, in public and in private, verbally and in writing, for the aid I had given him. You who heard his objections to any religious sect receiving any pecuniary assistance from the State, as subversive of religion and of moral independence, must view with detestation the course which Mr. Ryerson has taken. When you recollect that I invariably treated him with kindness and attention, as the representative of a good cause, and of a distant people—that my time, amidst public business of importance, was always given with pleasure to attend to him and the object of his mission, you will agree with me, that the black and heartless ingratitude of such a man deserves to be received with pity and with ineffable contempt. When, moreover, it is known to you that there is not one word of truth in Mr. Ryerson's satanic effusions, I leave his pious and religious friends in Canada to unmask the hypocrite and throw him, as he deserves to be, an outcast from every honest society.

In the hope that I shall never again meet with so abandoned a character as Mr. Ryerson has proved himself to be, and trusting that the people of Canada, in vindication of truth and of honour, will treat him as he deserves.

I have, &c.,

Joseph Hume,

J. H.

P.S.—The people in Lower Canada are taking the means of forcing their affairs on the Government, and will I hope succeed.

To W. L. Mackenzie, Esq. M. P.
York, Upper Canada.

Appendix (P.)

From the "Constitution" of 20th November 1837, (published by Mr. Mackenzie).
The Constitution.

"It is impossible to suppose the Canadians dread your power. It is not easy to believe that the abstract duty of loyalty, as distinguished from the sentiment of loyalty, can be very strongly felt. The right of rejecting European dominion has been so often asserted in North and South America, that revolt can scarcely be esteemed in those continents as criminal or disgraceful. Neither does it seem to me that a sense of national pride and importance is in your favour. It cannot be regarded as an enviable distinction to remain the only dependent portion of the new world. Your dominion rests upon the habit of subjection; upon the ancient affection felt by the colonists for their mother country; upon their confidence in your justice, and upon the persuasion that they have a direct interest in maintaining the connexion."—Evidence given by James Stephen, jun. Assistant Secretary of State for the Colonies, before the House of Commons Committee on the Government of Canada, 1828.

"We never were placed in so critical a situation as there never was a moment in which it was so necessary to be vigilant, but temperate. Temperate, because there is so much to cheer; vigilant, because there is reason to apprehend delusion and contrivance. I speak as delicately as I can; but this one truth should never be forgotten—that Ireland never yet confided but she was betrayed."—O'Connell's Letter to Edward Dwyer, Esq., 8 February 1829.

Provincial Convention.

Toronto, Wednesday, Nov. 20, 1837.

The Convention appointed to meet this winter for the purpose of taking into consideration the state of the country, will hold its first sitting in Toronto city, at 10 o'clock in the forenoon of Thursday the 21st of December next.

W. L. Mackenzie, Corresponding Secretary, Central Union.

The news from Montreal we derive chiefly from the Tory papers; but although they conceal many facts, and although their accounts, like Napoleon's bulletins, are coloured "for effect elsewhere," we feel it to be our duty to lay them before our readers, with this addition, that there is every reason to believe that ere now Montreal is either in the hands of the Canadians, and Sir John and his army driven towards the four winds of heaven, or it is in ashes. We have before said, and repeat the opinion, that neither 1,000 men—no, nor 10,000 men, would be able to stand a month against the Canadian people, united and determined to be free. They have waited sixty years longer than the rest of America for

British

UPPER
CANADA.

No. 29.
Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

160

CORRESPONDENCE RELATIVE TO THE

British justice, and have met with injury and insult. They have the solemn pledge of the British King and the Parliament of Britain, made in an hour of danger and humiliation, that never again would that King and that Parliament take their money without their consent. Have not the Crown and its Ministers shown, by their late attempt and resolutions to rob them of their money, that British honour and British justice are miserable by-words when applied to the colonies in America? As Ireland was coerced for 1,000 years, so would they now coerce, first Lower Canada, and us next. But, thank God for inspiring the Canadians with valour in an honest and heavenly cause—they know the value of freedom, and they will make the greatest of blessings theirs. Will England war with them? vote money to deluge their land with blood? tax her people to oppress her remaining possessions in America? No, indeed, there is no fear of that. The men who send the Members to Parliament now are the tax payers, who would directly have to bear the fifty million burthen of an unsuccessful crusade against liberty—the men who own the ships engaged in the Canadian and West India trade—and the men who employ the labourers and mechanics engaged in the manufacture of hardware, dry goods, iron, stationery, and a thousand other things for the meridians of Quebec and Toronto. These men see the revenue of England falling off, 8,000,000 of dollars in one quarter this year, as compared with the same quarter in the last; they see their commerce dwindling into doubt and uncertainty, by the agitation and coercion of the present and past years—the prospect of war in Canada might be extended to a war all over this northern continent—and the addition of fifty millions to the national debt would add to burthens already almost unbearable, while a protracted contest would make permanent enemies of those who might soon be otherwise made friends. England will never send a soldier to America for the purpose of conquest.

The reader should recollect that we are not situated like the old colonies; they had 300,000 merciless savages, furnished by British gold and British cruelty, with tomahawks to scalp our countrymen on their frontier on the one side; and they had 1,400 miles of exposed frontier on the sea-board, to any part of which British ships and soldiers could easily approach, and kill, wound, burn and destroy. But there is no approaching us with hostile forces; only three quarters of a mile are open on the St. Lawrence, below Quebec, the strength of which is greatly overrated; on the north we have eternal frosts, and rocks, and forests, and on the west and south we have the free republics; the Indians, few in number, are our firm friends, and, with the exception of a miserable minority of trembling officials, we have no enemies of freedom in the Canadas.

We do not mean to deny that there are Tories. But will they dare to lift a musket against their country? Will they touch Head's guns and pikes, and swords and spears, imported to shed the blood of their friends and neighbours? No, not they; they are proprietors; they have read the lessons of history; they well know that reformers seek no man's wealth, no man's substance, no man's fair fields; but they also know, that if found in the act of fighting against the people, to uphold despotism, they would lose their lands, be banished the country as traitors, and their wealth used to defray the expense of the unnatural and cruel contest their covetousness had given rise to. Some say the Orangemen will assist in involving Canada in civil war, and will stand by Head, in coercing the rest of the people; the Orangemen, as compared to the whole people, are but a handful, and many of them own land, which it would be inconvenient with them to part with, by fighting against the cause for which their forefathers spilt their blood, "British freedom," the boon we all seek. Besides, the Queen and her ministers treat them with contempt, disgrace their leaders, and turn them and their principles into ridicule, because they are weak in Ireland. The Catholics, it is unnecessary to say anything of. When was an Irish Catholic found in the ranks of tyranny?

ADDITIONAL DOCUMENTS not particularly referred to in the Report, but appended by the Committee, as affording information on the subjects treated of.

The following was circulated in a hand-bill by Mr. McKenzie among his followers, immediately before the outbreak of rebellion in Upper Canada:

INDEPENDENCE!

There have been nineteen strikes for independence from European tyranny on the Continent of America; they were all successful! The Tories, therefore, by helping us will help themselves.

The nations are fallen, and thou still art young,

Thy sun is but rising when others have set;

And tho' slavery's cloud o'er thy morning hath hung,

The full tide of freedom shall beam round thee yet.

Brave Canadians! God has put into the bold and honest hearts of our brethren in Lower Canada to revolt, not against "lawful" but against "unlawful authority." The law says we shall not be taxed without our consent by the voices of the men of our choice; but a wicked and tyrannical government has trampled upon that law, robbed the exchequer, divided the plunder, and declared that, regardless of justice, they will continue to roll their splendid carriages and riot in their palaces at our expense; that we are poor, spiritless, ignorant peasants, who were born to toil for our betters. But the peasants are beginning to open their eyes and to feel their strength; too long have they been hoodwinked by Baal's priests, by hired and tampered-with preachers, wolves in sheep's clothing, who take the wages of sin and do the work of iniquity, "each one looking to his gain in his quarter."

Canadians!

Canada
dare de
heaven-
do to ea
villains
goes for
human m
wicked i
ments w
You give
must pay
at Toron
religion,
We cont
neither s
from the
subjected
Canadi
encourage
the vile h
Canada;
bribed by
governmen
God has o
they hold
their sacr

that the po
preserved f
through the
to manhood
governors o
maintain.
Head and h
together, an
tality; to t
country. I
tutions, too
will be with
before us.

Canadian
united as on
are as 10
work of it.

Mhrk all
these men's
freedom, an
Canadians

volunteer; t
live on their
settled on th
manry may f
fruit of their
and all publi
100,000 l. dra
to one quart
crooked path
will cease wi
lands will soc
his employers
wilderness.

torch to one h
servation will
the laws. Th
us in prosperi
them! they ar
institutions in
energies.

Mark my v
timidity, cowa
cled to Britan
and great peop
to rest until i
357.

Canadians! Do you love freedom? I know you do. Do you hate oppression? Who dare deny it? Do you wish perpetual peace and a government founded upon the eternal heaven-born principle of the Lord Jesus Christ, a government bound to enforce the law to do to each other as you would be done by? Then buckle on your armour, and put down the villains who oppress and enslave our country; put them down in the name of that God who goes forth with the armies of his people, and whose Bible shows us that it is by the same wicked individuals, that you must put down, in the strength of the Almighty, those governments which, like these bad individuals, trample on the law and destroy its usefulness. You give a bounty for wolves' scalps; why? because wolves harass you. The bounty you must pay for freedom (blessed word) is to give the strength of your arms to put down tyranny at Toronto. One short hour will deliver our country from the oppressor, and freedom in religion, peace and tranquillity, equal laws and an improved country, will be the prize. We contend that in all laws made, or to be made, every person shall be bound alike; neither should any tenure, estate, charter, degree, birth or place, confer any exemption from the ordinary course of legal proceedings and responsibilities whereunto others are subjected.

Canadians! God has shown that he is with our brethren, for he has given them the encouragement of success. Captains, colonels, volunteers, artillerymen, privates, the base, the vile hirelings of our unlawful oppressors, have already bit the dust in hundreds in Lower Canada; and although the Roman Catholic and episcopal bishops and archdeacons are bribed by large sums of money to instruct their flocks that they should be obedient to a government which defies the law, and is therefore unlawful, and ought to be put down, yet God has opened the eyes of the people to the wickedness of these reverend sinners, so that they hold them in derision, just as God's prophet Elijah did the priests of Baal of old and their sacrifices. Is there any one afraid to go to fight for freedom? Let him remember that

God sees with equal eye, as Lord of all,
A hero perish, or a sparrow fall;

that the power that protected ourselves and our forefathers in the deserts of Canada, that preserved from the cholera those whom he would, that brought us safely to this continent through the dangers of the Atlantic waves, aye, and who has watched over us from infancy to manhood, will be in the midst of us in the day of our struggle for our liberties and for governors of our free choice, who would not dare to trample on the laws they had sworn to maintain. In the present struggle we may be sure that, if we do not rise and put down Head and his lawless myrmidons, they will gather all the rogues and villains in the country together, arm them, and then deliver our farms, our families, and our country to their brutality; to that it has come; we must put them down, or they will utterly destroy this country. If we move now as one man, to crush the tyrant's power, to establish free institutions, founded on God's law, we will prosper, for He who commands the winds and waves will be with us; but if we are cowardly and mean-spirited, a woeful and a dark day is surely before us.

Canadians! The struggle will be of short duration in Lower Canada, for the people are united as one man. Out of Montreal and Quebec they are as 100 to 1; here we reformers are as 10 to 1, and if we rise with one consent to overthrow despotism, we will make quick work of it.

Mark all those who join our enemies, act as spies for them, fight for them, or aid them; these men's properties shall pay the expense of the struggle; they are traitors to Canadian freedom, and as such we will deal with them.

Canadians! It is the design of the friends of liberty to give several hundred acres to every volunteer; to roop up the unlawful Canada company, and give free deeds to all settlers who live on their lands; to give free gifts of the clergy reserve lots to good citizens who have settled on them, and the like to settlers on Church of England glebe lots, so that the yeomanry may feel independent and be able to improve the country, instead of sending the fruit of their labour to foreign hands. The 57 rectories will be at once given to the people, and all public lands used for education, internal improvements, and the public good; 100,000 l. drawn from us in payment of the salaries of bad men in office will be reduced to one quarter, or much less, and the remainder will go to improve bad roads and to make crooked paths straight; law will be ten times more cheap and easy, the bickerings of priests will cease with the funds that keeps the law, and men of wealth and property from other lands will soon raise our farms to four times their present value. We have given Head and his employers a trial of 45 years, longer than the Israelites were detained in the wilderness. The promised land is now before us; up, then, and take it; but set not the torch to one house in Toronto unless we are fired at from the houses, in which case self-preservation will teach us to put down those who would murder us when up in the defence of the laws. There are some rich men now, as there were in Christ's time, who would go with us in prosperity, but who will skulk in the rear, because of their large possessions; mark them! they are those who, in after years, will seek to corrupt our people and change free institutions into an aristocracy of wealth, to grind the poor, and make laws to fetter their energies.

Mark my words, Canadians! The struggle is begun; it might end in freedom, but timidity, cowardice, or tampering on our part, will only delay its close. We cannot be reconciled to Britain; we have humbled ourselves to the Pharaoh of England, to the ministers, and great people, and they will neither rule us justly nor let us go; we are determined never to rest until independence is ours: the prize is a splendid one. A country like France

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
14 March 1838.

Encl. 3, in No. 29.

France or England, natural resources, and our most boundless wishes; a government of equal laws, religion pure and undisturbed, peace, education to all, millions of acres of lands for revenue, freedom from debt, free trade with all the world; but stop! I never could enumerate all the blessings attendant on independence.

Up, then, brave Canadians! Get ready your rifles, and make short work of it. A connection with England would involve us in all her wars, undertaken for her own advantage, never for ours; with governors from England we will have bribery at elections, corruption, villany and perpetual discord in every township, but independence would give us the means of enjoying many blessings. Our enemies in Toronto are in terror and dismay; they know their wickedness and dread our vengeance. Fourteen armed men were sent out, at the dead hour of the night, by the traitor Gurnett, to drag to the sons of our worthy and noble-minded brother departed, Joseph Sheppard, on a simple and frivolous charge of trespass, brought by a Tory fool; and though it ended in smoke, it showed too evidently Head's feelings. Is there to be an end of these things? Aye, and now's the day and the hour! We be those who oppose us, for "In God is our trust."

F. B. HEAD.

Militia General Order.

Government House, 9 December 1837.

His Excellency the Lieutenant-Governor apprehends, from recent accounts, that it may be necessary for the militia of this Province to unite their efforts to those of their brave and loyal fellow subjects of Lower Canada, in order to put down rebellion, and to maintain the integrity of the glorious empire of Great Britain.

His Excellency therefore directs that, upon the requisition of the commander of Her Majesty's forces in Lower Canada, the colonel or officer commanding any regiment of militia in the Bathurst, Johnstown, Ottawa, or Eastern districts respectively, shall take all the measures in his power, agreeably to the militia laws of the Province, for furnishing whatever number of men may be required for military service, in aid of the Queen's forces or the militia of Lower Canada in either Province.

His Excellency relies upon the zeal, loyalty, and bravery of the militia of Upper Canada, for rendering effectual service to their sovereign, and maintaining that character which his Excellency is aware has distinguished them wherever they have been called into the field.

His Excellency is further pleased to authorize the forming of any independent volunteer companies for the above service.

PETITION addressed to Colonel Mac Nab, by Rebels in the London District.

To Allan Napier Mac Nab, Esq., Colonel Commanding the Queen's Forces in the London District, &c. &c. &c.

The humble petition of certain inhabitants of the township of Norwich, lately in arms against the Government of this Province—

SHewETH—That, we, your petitioners, being truly sensible of the great error and wickedness which we have lately committed, in taking up arms against her Majesty's Government; a Government on whose part we do not pretend to say that we have any real wrongs or grievances to complain of, but we have been led away by Charles Duncombe, Eliakim Martin, and other wicked and designing leaders, who have induced us by promise of large grants of land and great pay for our services, to take up arms against her Majesty's Government, and who have now basely deserted us, and left us to answer with our lives and properties for those crimes which they have themselves committed; do therefore, most humbly beseech you, Sir, to take our case into your kind consideration, and to intercede with his Excellency the Lieutenant-Governor of this Province, to grant us a pardon for our offences.

We acknowledge ourselves to be completely subdued, and we throw ourselves entirely upon your mercy; and we hereby promise, and all, if such mercy be extended to us, that we will from henceforth live as peaceable and loyal subjects to the Government of her Majesty Queen Victoria, and that we will not only bring in our arms, but also use our utmost endeavours to apprehend the ringleaders of the late insurrection, and bring them to justice.

We are thus induced to address you, Sir, not only from the exalted position which you hold as the first Commoner in the land, and Commander of the Queen's forces in this part of the Province, but also from our knowledge of your kind and benevolent disposition, of which we have had ample proof in the protection of the lives and properties of the inhabitants, since your arrival amongst us, and which we trust you will exert in our behalf, to relieve us from our present unfortunate situation: And we, your petitioners, as in duty bound, will ever pray, &c.

Signed by one hundred and three petitioners.

PROCLAMATION.

Three hundred acres of the most valuable lands in Canada will be given to each volunteer who may join the Patriot Forces now encamped on Navy Island, U. C. Also, \$100 in silver, payable on or before the 1st of May next.

By order of the Committee of the Provincial Government.

Navy Island, Tuesday, Dec. 19, 1837.

W. L. Mackenzie,
Chairman pro. tem.SPECIAL
York, o
Albany.MESSAG
tical S

The follo

To the
In the h
ances in C
dividing th
therefore
are embos
of the Unit
outrage of
though tem
the part of
excitement
ble recurrence
militia to be
show the c
occurrence,
It will al
Minister ac
fullest infor
preparatory
which our

Washing

LETTER

Sir,
By the
cate to you
committed f
property of
The destruct
of New York
endeavourin
occurrence o
of surprise a
Majesty's C
through you
Upper Cana
authorities,
acts hereaft
Not doubti
ing the aggr
it necessary
character, an
effects of th
I take this
To Henry

SPEECH OF

Mr. RHE
the House s
blame. One
had laid it a
cumstances,
ascertained v
tainly, would
the civil offi
by their conc
asked Mr. R
357.

SPECIAL MESSAGE, from the Honorable W. L. Marcy, Governor of the State of New York, on the subject of the Capture of the Piratical Steam-Boat "Caroline:" dated Albany, 2 January 1838.—*Vide* page 95.

MESSAGE of the President of the United States, on the subject of the Capture of the Piratical Steam-Boat "Caroline."
House of Representatives.

Monday, January 8.

The following Message in writing was received from the President of the United States:

To the Senate and House of Representatives, United States:

In the highly excited state of feeling on the northern frontier, occasioned by the disturbances in Canada, it was to be apprehended that causes of complaint might arise on the line dividing the United States from her Britannic Majesty's dominions. Every precaution was therefore taken on our part authorized by the existing laws, and as the troops of the provinces are embodied on the Canadian side, it is to be hoped that no serious violation of the rights of the United States would be permitted to occur. I regret, however, to inform you, that an outrage of a most aggravated character has been committed, accompanied by a hostile though temporary invasion of our territory, producing the strongest feelings of resentment on the part of our citizens in the neighbourhood, and in the whole border line, and that the excitement previously existing had been alarmingly increased. To guard against the possible recurrence of any similar act, I have thought it indispensable to call out a portion of the militia to be posted on that frontier. The documents herewith presented to Congress will show the character of the outrage committed, the measures taken in consequence of its occurrence, and the necessity of resorting to them.

It will also be seen that the subject was immediately brought to the notice of the British Minister accredited to this country, and the proper steps taken on our part to obtain the fullest information of all the circumstances leading to and attendant upon the transaction preparatory to a demand for reparation. I ask such appropriations as the circumstances in which our country is thus unexpectedly placed require.

M. Van Buren.

Washington, 8 January 1838.

LETTER from Mr. Forsyth to Mr. Fox, relating to the Capture of the Piratical Steam Boat "Caroline."

Department of State, Washington,

6 January 1838.

Sir,

By the direction of the President of the United States, I have the honor to communicate to you a copy of the evidence furnished to this department, of an extraordinary outrage committed from her Britannic Majesty's Province of Upper Canada, on the persons and property of citizens of the United States, within the jurisdiction of the State of New York. The destruction of the property, and assassination of citizens of the United States on the soil of New York, at the moment when, as is well known to you, the President was anxiously endeavouring to allay the excitement, and earnestly seeking to prevent any unfortunate occurrence on the frontier of Canada, has produced upon his mind the most painful emotions of surprise and regret. It will necessarily form the subject of a demand for redress upon her Majesty's Government. This communication is made to you under the expectation that through your instrumentality, an early explanation may be obtained from the authorities of Upper Canada, of all the circumstances of the transaction; and that, by your advice to those authorities, such decisive precautions may be used as will render the perpetration of similar acts hereafter impossible.

Not doubting the disposition of the Government of Upper Canada to do its duty in punishing the aggressors, and preventing future outrage, the President, notwithstanding, has deemed it necessary to order a sufficient force upon the frontier, to repel any attempt of a like character, and to make known to you that if it should occur, he cannot be answerable for the effects of the indignation of the neighbouring people of the United States.

I take this occasion to renew to you the assurance of my distinguished consideration.

To Henry S. Fox, Esq., &c.

John Forsyth.

SPEECH of Mr. Rhett, Senator, South Carolina, in the United States Senate, on the subject of the Capture of the "Caroline."

MR. RHETT deprecated any premature expression of opinion on the subject. He thought the House should, in the first place, look at the matter calmly, and ascertain who was to blame. One gentleman has said it was the fault of the administration, another gentleman had laid it all on Great Britain, while others had taken a different view. Under these circumstances, he considered it highly important that it should be carefully investigated, and ascertained where the blame really lay. Was it with the Administration?—Candor, certainly, would declare not, whilst not a regular soldier was available at his command; and the civil officers on the frontier, who had been called upon to repress the excitement, appear by their conduct to have been the instruments of increasing and continuing it. How, Sir, asked Mr. R., had the difficulty commenced? Was it not caused by a fugitive from Canada, a traitor

UPPER
CANADA.

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

164

CORRESPONDENCE RELATIVE TO THE

a traitor according to the laws of his country, for whose head a price had been offered, coming over the lines into the United States, and in open day, in the streets of Buffalo, by his inflammatory speeches, inducing the citizens of the United States to take up arms, and assist in a rebellion of the subjects of a friendly power, who was rightfully endeavouring to maintain her institutions?

This fugitive had not only been harboured and entertained by us, but recruits from amongst our citizens were openly mustered to his standard. Now have we forgotten the laws of nations, as we applied them when General Jackson seized upon Pensacola, because her authorities harboured our Indian enemy, and furnished them with munitions of war? He then ably demonstrated, by the gentleman from Massachusetts, then Secretary of State, that for such a cause we had a right to take possession by the sword of the city of a friendly nation: and have the citizens of Buffalo done less than the Governor of Pensacola? He commented at some length on the law of nations, as far as related to the pursuit of enemies over neutral ground, and the practice of our own Government in such cases. He said it would be well for gentlemen to reverse the matter, and to suppose ourselves in the situation of the Canadas. Suppose the subjects of Great Britain should gather together upon our frontiers, in combination with some discontented factious citizens, with the avowed purpose of overturning our republican institutions, how would we bear it? and how would we tolerate the idea that munitions of war, provisions and fire-arms, should be furnished these our enemies by British subjects? Unquestionably we would consider ourselves as grossly wronged, and would be very slow in recognizing any spirit of friendship as dictating such means.

We would not look to individuals—we would properly look to the Government, whose duty it was to control its citizens. Inefficiency was no plea, for then we ought to cease our existence amongst the family of nations. As to the steam-boat affair, before he made up his opinion as to any outrage committed by the British soldiery, he must know all the facts. Should it turn out that this steam-boat was actually in the possession of the hostile islanders, used for carrying articles contraband of war, he was not sure that the act was not perfectly justifiable according to the laws of nations. At all events it was a gallant enterprise, and such as, he doubted not, every bold man on this floor would have deemed himself morally justifiable in undertaking. But we were ignorant of all the facts. So far, however, as they were known, the citizens of the United States were aggressors throughout. As they would get all the glory, they should also take all the responsibility, in defiance of the laws of their country, of assailing a friendly nation.

Mr. R. was not going into a war upon such indefensible causes. One war, with a debt of 180 millions, was enough for one generation. War was dangerous to the liberty of any people, but especially so under our free institutions, whose very existence was based upon a jealousy of power accumulated in the hands of Government. In this affair we had, so far, nothing to be proud of. We had been the first aggressors, and should act the part of an honourable aggressor, knowing that we were wrong. Mr. R. concluded by urging on the house to pursue an honest policy, and to exhibit an upright, honourable bearing on the subject, worthy of a free and enlightened nation.

MESSAGE

Of his Excellency Sir F. B. Head to the Legislative Council and House of Assembly, acquainting them of his Resignation of the Government, with their Addresses in answer thereto.

F. B. HEAD.

THE Lieutenant-Governor informs the Legislative Council, that in consequence of this Province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-General at Quebec has communicated to the officer in charge of the Commissariat here, that consistently with the rules of the service, no expenses can be allowed unless sanctioned by the authority of the military commander, upon whom the protection of the Province has thus necessarily devolved.

The Lieutenant-Governor takes this opportunity to communicate to the Legislative Council, that having had the misfortune to differ from Her Majesty's Government on one or two points of colonial policy, he felt it his duty, on the 10th of September last, respectfully to tender to her Majesty's Principal Secretary of State for the colonies, the resignation of the important station which for a short time he has had the honour to hold in this province.

His resignation having been graciously accepted, the Lieutenant-Governor has to inform the Legislative Council, that he yesterday received official information that Her Majesty has been pleased to appoint Colonel Sir George Arthur to be Lieutenant-Governor of Upper Canada, and that his Excellency may be expected to arrive here in a few days.

Under the peculiar circumstances in which the Province is at present placed, the Lieutenant-Governor feels confident, that the Legislative Council will rejoice with him at the approaching arrival of an officer of high character and considerable experience, whose rank in the army will enable him to combine the military command with the civil government of this province.

Government House, 1st January 1838.

[A similar message to the House of Assembly.]

To his E
Hancov
Governm
M.

WE H
in Provin
for comm
regulation
in defence
administra

If your
persuaded
the milita
and experi
which are
always to

We beg
governmen
It is not k
essentially
tender you
its politica
Crown: an
a large de
sentiments
support wh
Constitution

It is th
enabled you
an united
a posture v
and respect

If the re
Majesty's
the princip
this Colony
permanent

But the
have observ
that your e
protracted
submission
appease but

We beg
grateful rec
to acknowle
the feeling

Legislativ
17 day

To his Exce
verian Gu
Governor

May it
We Her
vincial Parli
of the 15th
being invade
tions, Colon
entire milita
militia, and
charge of th
can be allow
the protection

In referen
which the cu
the efficiency
much succes
and domestic

We are fu
Her Myjesty
your duty, o
357.

AFFAIRS OF LOWER CANADA, &c.

165

CANADA
UPPER

No. 29.

Sir F. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3, in No. 29.

To his Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency:

We Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg to return our respectful thanks to your Excellency for communicating to us the fact, which is at this crisis particularly important, that by the regulations of Her Majesty's service the command of the troops, and of the militia employed in defence of this Province, can not be united in your Excellency's person with the administration of the civil government.

If your Excellency were to continue to represent Her Majesty in this colony, we are persuaded, that under the present circumstances, such a separation of the civil power from the military command would be likely to lead to very unfortunate results, since military rank and experience, although they are by no means incompatible with the peculiar qualifications which are requisite to give confidence, animation and effect to the military force, are not always to be found united with them.

We beg to assure your Excellency, that we learn with extreme regret that the civil government of this Province is to continue for so short a time in your Excellency's charge. It is not known to us upon what particular points your Excellency's views have differed, so essentially from those of Her Majesty's Government that your Excellency was induced to tender your resignation; but we know, that at no period in the history of Upper Canada has its political condition been such as ought to be more satisfactory to the Ministers of the Crown: and we feel that not Upper Canada only, but the empire, owes to your Excellency a large debt of gratitude, for your firm and manly avowal, upon all occasions, of those sentiments which became the representative of a British Monarch, and for the unwavering support which your Excellency has never failed to give to the established principles of the Constitution.

It is this fearless adherence to right principles, rather than to expediency, which has enabled your Excellency to rally round the Government, in a moment of danger, the arms of an united people; and to exhibit this Province to our Sovereign and to the world, in a posture which must command for its brave and loyal inhabitants the highest admiration and respect.

If the result of your Excellency's firm and uncompromising policy shall impress upon Her Majesty's Government the conviction, that they need not fear to support in Upper Canada the principles of the British Constitution, it will have produced an effect of infinite value to this Colony; and will have supplied what we believe has been chiefly wanting to insure its permanent tranquility.

But the Legislative Council cannot refrain from expressing the regret with which they have observed, in the case of your Excellency, and of your respected and gallant predecessor, that your connection with the Government of this Colony has seemed incapable of being protracted, with satisfaction to yourselves, beyond the period when it became evident that no submission would be made by you to a spirit of factious discontent, which nothing can appease but the destruction of British rule.

We beg your Excellency to believe, that the Legislative Council will ever entertain a grateful recollection of the justice and condescension which they have always had occasion to acknowledge in their intercourse with your Excellency; and that they participate deeply in the feeling of general regret at your Excellency's approaching departure from this Province.

Legislative Council Chamber,
17 day of January 1838.

John B. Robinson,
Speaker.

To his Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency:

We Her Majesty's dutiful and loyal subjects the Commons House of Assembly, in Provincial Parliament assembled, humbly thank your Excellency for your Excellency's message of the 15th instant, communicating to this House, that "in consequence of this Province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia, and that the Commissary-General at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed unless sanctioned by the authority of the military commander, upon whom the protection of the Province has thus necessarily devolved."

In reference to this subject, we can only express our earnest hope that this regulation, which the rules of the service appear to have rendered necessary, may in no respect impair the efficiency of the operations hitherto planned and directed by your Excellency, with so much success for the preservation and defence of the Province against the attack of foreign and domestic enemies.

We are further informed by your Excellency, that having had the misfortune to differ from Her Majesty's Government on one or two points of Colonial policy, your Excellency felt it your duty, on the 10th of September last, respectfully to tender to Her Majesty's principal

Sir J. B. Head to
Lord Glenelg,
12 March 1838.

Encl. 3. in No. 29.

CORRESPONDENCE RELATIVE TO THE

Secretary of State for the Colonies, the resignation of the important station which for a short time your Excellency has had the honour to hold in this Province, and that your Excellency's resignation had been graciously accepted.

When this House recalls to recollection the events of your Excellency's administration of the affairs of this Province; the universal respect and confidence with which you are regarded, arising from your Excellency's firm and uncompromising adherence to the principles of the Constitution, and which has afforded to the inhabitants of this Colony various opportunities of proving, not by words merely, but by acts the most convincing and undeniable, their firm unshaken loyalty to their Sovereign, and their desire to maintain their connection with the parent State, in contradiction to assertions and insinuations of a contrary tendency, we cannot but view with alarm the disclosure now made, that your Excellency has felt yourself called upon to resign the administration of the Government, on the ground stated in your Excellency's message.

If your Excellency's measures and policy have not given satisfaction to our gracious Queen, we are driven to inquire, in the most humble and respectful, but solemn manner, what course of policy it is that is expected by Her Majesty, from Her Majesty's representative in this Province? Deeply impressed with the duty of submission to the constitutional exercise of the Royal Prerogative, we do not question the right of the Sovereign to select her representatives in this or any other Colony of the empire; but we nevertheless feel ourselves impelled by a sense of duty, suggested by a desire to maintain our allegiance, (and which, on our part, can never be laid aside or forgotten), humbly, but earnestly and emphatically to declare, that if anything be calculated to shake the attachment of Her Majesty's now truly loyal and devoted subjects to Her Royal Person and Government, it is by acts of injustice, or the manifestation of ungenerous distrust towards servants who have served the British nation so faithfully and nobly as your Excellency has done. It will be the duty of this House, before the close of the present session, and when more fully informed of facts, to express more at large the feelings and opinions they entertain on this painfully interesting and important subject.

In the meantime, we beg to assure your Excellency, that this House, and the people of the Province, will regard your Excellency's relinquishment of its Government as a calamity of the most serious nature, and which may result in difficulties and dissensions that cannot be easily repaired or reconciled. We however are fully persuaded, that the blame cannot rest with your Excellency; and while we sincerely and most willingly acknowledge the zeal, ability, justice and honourable disinterestedness, with which you have conducted the Government of this Province, during your short but eventful and arduous administration of its affairs, we beg respectfully and affectionately to express, on behalf of this Province, our earnest hope that your Excellency's prosperity in future life may be commensurate with the claims, deep and lasting as they are, upon our gratitude, the approbation of our gracious Queen, and the applause and acknowledgment of the British nation.

Commons House of Assembly,
16 day of January 1838.

H. Rattan.
Speaker.

EXTRACT

From the speech of Mr. Papineau to the Electors of the West Ward of Montreal, in July 1820, when he was returned, with Mr. Garden, without opposition.

"Not many days have elapsed since we assembled on this spot for the same purpose as that which now calls us together, the choice of representatives. The opportunity of that choice being raised by a great national calamity, the decease of that beloved Sovereign who had reigned over the inhabitants of this country since the day they became British subjects, it is impossible not to express the feeling of gratitude for the many benefits received from him, and those of sorrow for his loss, so deeply felt in this, as in every other portion of his extensive dominions. And how could it be otherwise, when each year of his long reign has been marked by new favours bestowed upon the country. To enumerate these, and to detail the history of this country for so many years, would occupy more time than can be spared by those whom I have the honour to address. Suffice it, then, at a glance, to compare our present happy situation with that of our fathers on the eve of the day when George the Third became their legitimate monarch. Suffice it to recollect, that under the French Government (internally and externally arbitrary and oppressive) the interests of this country had been more frequently neglected and mal-administered than any other part of its dependencies. In its estimation, Canada seems not to have been considered as a country which, from fertility of soil, salubrity of climate, and extent of territory, might have been the peaceful abode of a numerous and happy population, but as a military post, whose feeble garrison was condemned to live in a state of perpetual warfare and insecurity; frequent suffering from famine; without trade, or with a trade monopolized by privileged companies; public and private property often pillaged, and personal liberty daily violated; when year after year the handful of inhabitants settled in this Province were dragged from their homes and families, to shed their blood, and carry murder and havoc from the shores of the St. Lawrence, the Mississippi and the Ohio, to those of Nova Scotia, Newfoundland and Hudson's Bay. Such was the situation of our fathers: behold the change. George the Third, the Sovereign revered for his moral character, attention to his kingly duties, and love of his subjects, succeeds to Louis XV., a prince then deservedly despised for his debauchery, his inattention to the wants of his people, and his lavish profusion of the public monies upon favourites and mistresses. From that day, the reign of the law succeeded to that of violence; from that day,

day, the
invincible
became a
unakere
pledge, v
that wis
arbitrary
equal se
other lav
all these
of our p
Gazette,

Co

Mo

I HAV
the requ
Address
late sess

1st.

on the

2d. C

3d. C

lutions

4th.

credi

5th.

the pr

6th.

funded

7th.

the Cl

Mo

WE,

virtual

Resolut

Your M

held to

suice th

and we

to take

obtain

Majesty

and inju

Comm

357.

which for a short
your Excellency's

administration of
you are regarded,
principles of the
ous opportunities
eniable, their firm
unction with the
endency, we can-
has felt yourself
nd stated in your

to our gracious
manner, what
representative in
stitutional exercise
select her repre-
ess feel ourselves
ce, (and which, on
d emphatically to
 Majesty's now truly
acts of injustice,
served the British
the duty of this
formed of facts, to
infully interesting

and the people of
ent as a calamity
isions that cannot
the blame cannot
nowledge the zeal
ucted the Govern-
ration of its affairs,
rovince, our earnest
te with the claims,
r gracious Queen,

H. Rattan.
Speaker.

Montreal, in July
osition.

he same purpose as
opportunity of that
oved Sovereign who
ne British subjects,
nefits received from
other portion of his
his long reign has
these, and to detail
an can be spared by
ce, to compare our
y when George the
t under the French
reats of this country
ther part of its de-
as a country which
ave been the peaceful
s of the garrison was
quent suffering from
upplies; public and
when year after year
enrichment and fami-
the makes, the
udson's Bay. Such
rd, a Sovereign re-
of his subjects, su-
ery, his inattention to
upon favourites and
violence; from that
day,

day, the treasures, the navy and the armies of Great Britain, are mustered to afford us an invincible protection against external danger; from that day, the better part of her laws became ours, while our religion, property, and the laws by which they were governed, remain unaltered; soon after are granted to us the privileges of its free constitution; an infallible pledge, when acted upon, of our internal prosperity. Now religious toleration; trial by jury, that wisest of safeguards ever devised for the protection of innocence; security against arbitrary imprisonment, by the privileges attached to the writ of habeas corpus; legal and equal security afforded to all, in their person, honour, and property; the right to obey no other laws than those of our own making and choice, expressed through our representatives; all these advantages have become our birth-right, and shall, I hope, be the lasting inheritance of our posterity. To secure them let us only act as British subjects and freemen.—*Quebec Gazette, 1820.*

— No. 30. —

(No 35.)

COPY of a DESPATCH from Sir F. B. Head, Bart. to Lord Glenelg.

My Lord.

Upper Canada, Toronto, 17 March 1838.

I HAVE the honour to transmit to your Lordship herewith, in compliance with the request of the House of Assembly, to be laid at the foot of the Throne, seven Addresses from that House to Her Most Gracious Majesty, passed during the late session; viz.

- 1st. On the subject of the recent aggressions of citizens of the United States on the territory and people of this Province, with the Resolutions thereon.
- 2d. On the trade and commerce of the Province, with Resolutions.
- 3d. On the union and political state of Upper and Lower Canada, with Resolutions and Report of a select committee.
- 4th. On the repeal of an Act of the Imperial Parliament respecting bills of credit, so far as the same affects Upper Canada.
- 5th. On the proportion of duties due to Upper Canada on certain imports at the port of Quebec.
- 6th. On transferring to the debentures of the Province certain monies now funded in England.
- 7th. On clearing certain charges on the casual and territorial revenue to the Clergy Reserve Fund:

I have, &c.

(signed) F. B. Head.

Enclosure 1, in No. 30.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to transmit to Your Majesty certain Resolutions passed by this House, having reference to the state of affairs between this Your Majesty's Province of Upper Canada, and the United States of America (a nation held to be in peace and amity with Your Majesty's Government) which have transpired since the commencement of the late most foul and unnatural rebellion in this Province; and we do most humbly and earnestly beseech Your Majesty most graciously to be pleased to take such steps as shall in Your Majesty's wisdom be deemed necessary and effective in obtaining fit reparation to the British empire for the insult and injuries committed on Your Majesty's loyal subjects of this Province, as well as to protect them from similar aggression and injury for the time to come.

Commons' House of Assembly,
18 Feb. 1838.

Allan N. MacNab,
Speaker.

UPPER
CANADA.

No. 20.
Sir F. B. Head to
Lord Glenelg.
12 March 1838.

Encl. 3, in No. 29.

No. 30.
Sir F. B. Head to
Lord Glenelg.
17 March 1838.

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 1, in No. 30.

Resolved, That since the treaty of peace between Great Britain and the United States of America, and up to a very recent period, the inhabitants of this Province have lived upon terms of the most friendly intercourse with the citizens of the latter country.

Resolved, That American citizens, within a few weeks past, regardless of the feeling existing between the two countries, the faith of solemn treaties, and that state of peace which it was and is their duty to maintain, have, in open violation of these their sacred obligations, within their own territory, furnished, gratuitously, provisions and munitions of war, and have rendered every assistance within their power to a number of individuals (chiefly American citizens) who had assembled at Buffalo, in the state of New York, with the open and avowed intention of invading this Province, and of subverting our happy form of government.

Resolved, That even after this armed force had actually invaded Upper Canada by taking possession of Navy Island, in the River Niagara, belonging to Her Majesty, a constant communication was kept up between them and American citizens residing in the state of New York, who continued to furnish the invaders with provisions and arms, notwithstanding repeated representations to that effect, made by the officer in command of the forces on the Niagara frontier, to the proper authorities of the state of New York.

Resolved, That the invaders were permitted to fire and did actually fire from Fort Schlosser, and other points within the territory of the United States, upon British subjects in British boats, navigating the River Niagara, and that an American steam-boat, called the *Caroline*, was actually engaged in the service of the pirates on Navy Island, carrying cannon, men, and provisions from Fort Schlosser aforesaid, to the said island, with the full knowledge of the public authorities in the state of New York, without, as we believe, any effectual attempt on their part to interfere.

Resolved, That the gallant conduct of the persons engaged in cutting out and destroying the piratical steam-boat *Caroline*, while moored in the American waters, deserves the warmest approbation of the inhabitants of this Province; the said boat being, at the time, under the control and in the service of the pirates who were then on Navy Island, in Upper Canada, and having on board a guard belonging to them for its protection and defence.

Resolved, That the conduct of the grand inquest for the county of Niagara, in the state of New York, as stated in some of the American papers, in having recently found a bill of indictment for murder against certain of Her Majesty's subjects for having unavoidably killed certain persons on board the said steam-boat *Caroline*, while carrying into effect the orders of their commanding officer, and also against Colonel MacNab, the said commanding officer, when the said inquest must necessarily have been in possession of all the facts connected with the recent invasion of this Province by American citizens, is reprehensible in the highest degree, inasmuch as it is contravention of international law, and was a direct sanction, by an important tribunal connected with the administration of justice, of the lawless proceedings of a piratical band, whose avowed object was the plunder and destruction of the inhabitants of a country at peace with the United States.

Resolved, That a body of the militia of the state of New York, stationed upon Grand Island, within that state, to preserve the neutrality of the American Government, as pretended by the American authorities, fired directly under the American flag, upon Lieutenant Elmsley, of the Royal Navy, and the boat's crew under his command, whilst engaged in sounding the river between Grand Island and this Province by the direction of his commanding officer.

Resolved, That three of her Majesty's subjects were killed on the shores of the Niagara frontier, in this Province, by shots fired by the pirates from Navy Island.

Resolved, That, at the time when these hostile operations were carrying on upon the Niagara frontier, certain other citizens of the United States enrolled themselves into several volunteer corps, under leaders called Generals Sutherland and Theller, and Colonels Handy, Roberts, and Dodge, with Captains Davis and Brophy, and others, at Cleveland, in the state of Ohio, as well as at Detroit, Monroe, Pontiac, and Mount Clemens, in the state of Michigan, and recruited, paraded, and drilled publicly, with the avowed purpose of invading the western district frontier, of destroying the British power and constitution there, of subverting our laws, and of serving in what they called "The great and glorious cause, the cause of liberty and the oppressed," and that they made a place called Gibraltar, in Michigan, on the River Detroit, nearly opposite to Fort Malden, in this Province, their headquarters, where they practised firing cannon, drilling, and exercising with fire-arms and otherwise until the latter end of January last.

Resolved, That the above persons possessed themselves at various times of upwards of 200 stand of fire-arms and one cannon from Monroe, and of two cannon from Fort Gratiot; all which arms, ammunition, and cannon, were the property and in the custody of the United States; and they also possessed themselves of about 80 stand of arms, belonging to a company of soldiers, called the Brady Guard, in the city of Detroit, and of a schooner, called the *Anne*, from one of the wharfs in that city, without any opposition having been offered to them by the proper authorities in Michigan, and that they received aid and assistance in various ways from many wealthy and influential persons in that city.

Resolved, That the schooner above mentioned left the city of Detroit, in broad daylight, on Saturday the 6th of January last, full of men, arms, ammunition, and provisions, and having on board also three cannons for the expressly avowed purpose of attacking and taking Bois Blanc Island and Fort Malden, and that information of the fact was instantly and duly given by the magistrates of Sandwich, in this Province, to the governor of Michigan and the other authorities at Detroit, who, notwithstanding, failed or neglected to seize her, and to prevent the attacks hereafter mentioned.

Resolved,

Resolved,
(being
with
the
vince,
the
and in
British
into the

Resolved,
70 in n
wards o
paring
Her Ma
articles
men on
burgh a
12 or 1
shots, w
whom s
and 21
Brophy
of ammu

Resolved,
20 miles
that alt
likely to

Resolved,
mitted w
pleased
for the i
to protec
to come.

Thomas
district o
western c
of Essex,
now atten
make out

And fir
rumours
this coun
those stat
Michigan
munitions
and this d
were true
of the qu
chief pers
were unar
good a s

And th
on whom
number o
Michigan,
styled Ger
tains Davi
city of De
that they
of invading
ing our law
whereof is
"great an
a place cal
in this Pro
and exerci
lency, Stev
that althou
Governor) t
declared fi

And this
by persons
all the info
357.

Resolved, That on the night of the 8th of January last, a large body of American citizens (being a part of the forces stationed at Gibraltar, and in number upwards of 200) embarked with muskets, bayonets, and ammunition, and also with a cannon, in scows and boats to attack Bois Blanc Island, then defended by some of the volunteers and militia of this Province, and without the least provocation they fired two cannon-shots at the forces there (being the first hostile shot fired in the western district), and then retired to the American shore, and in about two hours afterwards the schooner Anne, full of armed men, sailed up the British channel, between Bois Blanc and the town of Amherstburgh, and fired cannon-shots into that town.

Resolved, That on the following day a party of American citizens from Gibraltar (about 70 in number) invaded and took possession of Bois Blanc (but from which place they afterwards escaped in their boats on seeing that the militia and volunteers at Malden were preparing to go over from Amherstburgh to attack them), and they carried from the dwelling of Her Majesty's lighthouse-keeper there all his and his wife's wearing apparel, besides other articles; and in the evening of the same day the schooner Anne, with upwards of 20 armed men on board (almost all of whom were American citizens, attacked the town of Amherstburgh and the militia and volunteer forces assembled there for its defence, and fired at them 12 or 14 rounds of cannon-ball, grape, and canister, besides a great number of musket-shots, which was returned by the rifles and muskets of the gallant militia and volunteers, to whom she surrendered in about an hour after the action commenced, having several killed and 21 made prisoners (including General Theller, Colonel Dodge, and Captains Davis and Brophy), also having on board three cannon, about 200 stand of arms, and a large quantity of ammunition, stores, and provisions.

Resolved, That all the circumstances detailed in the five last Resolutions occurred within 20 miles of the city of Detroit, which is the seat of government of the state of Michigan, and that although the government and the authorities of that state were apprised of what was likely to happen, they were either unable or unwilling to prevent such occurrences.

Resolved, That an humble address be forthwith presented to Her Majesty (to be transmitted with these Resolutions) humbly but earnestly praying that Her Majesty will be pleased to take such steps as shall be necessary to obtain fit reparation to the British empire for the insult and injuries committed on Her Majesty's subjects in this Province, as well as to protect the inhabitants of Upper Canada from similar aggression and injury for the time to come.

Thomas Radcliff, of the township of Adelaide, in the county of Middlesex, in the London district of Upper Canada (a colonel in the militia of this province commanding on the western district frontier, but now at Toronto), and *John Prince*, of Sandwich, in the county of Essex, in the said western district (a lieutenant-colonel of militia on the same frontier, but now attending at Toronto as a member of the Provincial Legislature), jointly and severally make oath and say:—

And first this deponent John Prince, for himself says, that in the month of December last rumours were afloat in the western district, that certain traitors and rebels who had fled from this country to the United States of America, as well as great numbers of the citizens of those states, were congregating in and near the city of Detroit, and in various other parts of Michigan, and were enrolling and drilling volunteers, and supplying them with arms and munitions of war, for the express purpose of invading the western district of this Province; and this deponent having instituted a minute inquiry into the subject, found that the reports were true; and being one of the members for the said county of Essex, and also chairman of the quarter sessions, he felt it his duty to convene a public meeting of the magistrates and chief persons in his neighbourhood on the 20th day of December last, when resolutions were unanimously passed for calling out the militia forces, and for putting the frontier in as good a state of defence as circumstances so urgent would admit of.

And this deponent says, that having been some days afterwards credibly informed by those on whom he could rely (and of which facts he had not the slightest doubt), that a large number of citizens of the United States of America, but more especially of the state of Michigan, had enrolled and were daily enrolling themselves as volunteers, under leaders, styled Generals Sutherland and Theller, Colonels Roberts, Handy, and Dodge, and Captains Davis, Brophy, Townsend, and others at Cleveland, in the state of Ohio, and in the city of Detroit, and at Monroe, Pontiac, and Mount Clemens, in the state of Michigan, and that they recruited, paraded, and drilled in public under arms, and with the avowed purpose of invading this Province, of destroying the British power and constitution here, of subverting our laws, and of serving in what they publicly proclaimed in a printed handbill (a copy whereof is hereunto annexed, and signed and certified by this deponent to be true), the "great and glorious cause, the cause of liberty and the oppressed;" and that they made a place called Gibraltar, in Michigan, on the River Detroit, nearly opposite to Fort Malden, in this Province, their head-quarters, where they continually practised firing cannon, drilling, and exercising with fire-arms and other weapons. He, this deponent, informed his Excellency, Stevens T. Mason, governor of the state of Michigan, of what was going on; and that although they were prepared to meet any attack, he nevertheless called upon him (the Governor) to enforce the laws of the United States and preserve the peace, and his Excellency declared he would do so.

And this deponent also says, that while these things were going forward he was informed by persons sent by him, and other authorities in Sandwich and the neighbourhood, to obtain all the information they could of the proceedings in Michigan (and on the truth and correctness

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 1, in No. 30.

ness of whose information he and his friends implicitly relied), that the citizens, traitors, and rebels above mentioned possessed themselves at various times of upwards of 200 stand of fire-arms (chiefly muskets and bayonets), from the gaol in the city of Detroit, and of a waggon-load of gunpowder and ammunition from a place called the Powder-house in that city; also of another large quantity of fire-arms and one cannon from Monroe, and of two cannon from Fort Gratiot; and that all such arms, ammunition, and cannon were the property and in the custody of the United States Government; and that they also possessed themselves of about 80 stand of arms belonging to a company of volunteers called the Brady Guard, in the city of Detroit, and of a schooner called the Ann from one of the wharfs in that city, without any serious opposition from the authorities of Michigan; and that they received pecuniary and other assistance from many of the wealthy and influential citizens of that state.

And this deponent also says, that about 10 o'clock in the morning of Saturday the 6th day of January last, he saw a schooner deeply laden and full of men proceeding down the River Detroit opposite to Sandwich, under the American shore, and towed by boats; and suspecting her, and having caused inquiries to be made about her, he was informed that she was the schooner Ann above mentioned, and that she had left Detroit that morning in broad daylight, full of men, arms, ammunition, and provisions, and with three cannon on board, for the avowed purpose of joining the forces concentrated at Gibraltar, and of invading and taking Bois Blanc Island and Fort Malden, in this Province; whereupon deponent wrote to Governor Mason a letter (a true copy whereof, marked (A.), is hereunto annexed, and certified under this deponent's hand to be correct); and some hours afterwards he received from Governor Mason a reply (a true copy whereof, marked (B.), is hereunto annexed), and is also certified under his hand to be correct.

And this deponent also says, that on that same evening he saw the marshal or officer who had been sent by Governor Mason in search of the schooner as mentioned in his Excellency's letter; and on inquiring what had been done in the business, he (the marshal) replied that they went within a few rods of the schooner and hailed her, but the men on board informed him, that if his boat (which was a ferry steam-boat called the United, plying between Sandwich and Detroit, and open for the use of both countries) came any nearer to them they would fire on her; and that he and the authorities whom he took from Detroit with him being without arms, and only 25 in number, and seeing that the schooner had cannon on board, thought it prudent to return at once to Detroit without attempting to capture her. But this deponent says, that in conversation which he had with the man called Captain Davis (who was afterwards made a prisoner when the schooner was taken a few days subsequently, as will hereafter appear), he (Davis) deliberately and distinctly stated in the presence of this deponent, of the other deponent Colonel Radcliff, and also of several officers and other persons at Malden, that upon the occasion above mentioned the marshal, with his men and boat, did not approach nearer than within half a mile of the schooner, and that four or five men on the boat's deck gave three cheers (which he (Davis) considered as cheers of approval of their expedition), and that the boat then turned round and went towards Detroit, and they saw no more of her.

And this deponent also says, that soon after 12 o'clock on that same night of the 6th of January last he embarked in the said steam-boat called the United (which he impressed for that service) with about 160 volunteers under arms, for the purpose of defending Malden and Bois Blanc from the threatened invasion, and that he was on duty there throughout the whole of the two following days and nights; and having received from a scout certain information respecting the said schooner, and the invaders, he wrote another letter, early in the morning to Governor Mason (a true copy whereof, marked (C.), is hereunto annexed, and certified under this deponent's hand to be correct), and he despatched a messenger with it to Detroit.

And deponent says, that about an hour after sunset on the same evening he saw by moonlight two boats and a large scow filled with armed men (in number, as he afterwards ascertained, about 250), and having cannon on board, pull off from an island belonging to the United States of America towards Bois Blanc; and when they approached within about 100 yards of the latter island (where he and other volunteers were prepared to meet them), they fired from the scow two cannon-shots into Bois Blanc, which rattled among the trees around the place where deponent and others waited to receive the enemy, and which was the first hostile shot fired on the western district frontier; and in about an hour afterwards they pulled back to the American shore without attempting to land on or further interfere with Bois Blanc.

And deponent says, that in about two hours afterwards the said schooner Ann (which was in the offing about a mile below Bois Blanc during the above occurrence), full of armed men, sailed up the British channel between Bois Blanc and the town of Amherstburg, otherwise Fort Malden, and fired two cannon-shots into that town, and she was beaten off by rifle and musket-shots from the town.

And this deponent also says, that before daybreak on the following day he wrote another letter to Governor Mason, a true copy whereof, marked (D.), is also hereunto annexed, and certified under this deponent's hand to be correct; and on the next day he received from the governor two letters, marked (E.) and (F.), and also a letter from Mr. Swartz, true copies of which, and marked (E.), (F.), and (G.), are also hereunto annexed, and certified in like manner to be correct.

And these deponents, John Prince and Thomas Radcliff, for themselves jointly and severally say, that on Tuesday the 9th day of January last, a large body of the invaders from the opposite shore of Michigan landed on Bois Blanc, and proceeded to the residence of Her Majesty's

Majesty's
other art
militia fo
men on c
of Amher
fired at t
number o
volunteer
menced,
three can
these dep
Detroit,
capital ar

And th
informing
of this P
Mason n
whereof,
received i
the distr
are true c

And th
that the c
is now an
collecting
this colon
attempt t
governme
tively rely
Lake Eric
and on its

Sw
at
18

On beh
General S
ous cause
to your g
We em
have neve
leaders to
land, to e
the two la
patriotic t
an oppress

N. B.—
American
happy to s
come with

I herby
affidavit.

Dear
As the
you that
347.

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 1, in No. 30.

Majesty's lighthouse-keeper there, and carried off all his and his wife's wearing apparel and other articles, but decamped before they could be attacked or taken by the volunteer or militia forces; and on the same day the aforesaid schooner Ann, with upwards of 20 armed men on board (almost all of whom turned out to be American citizens), attacked the town of Amherstburg, and the militia and volunteer forces assembled there for its defence, and fired at them 12 or 14 discharges of cannon-ball, grape, and canister-shots, besides a great number of musket-shots, which was returned by the rifles and muskets of the militia and volunteers, who at length succeeded in capturing her in about an hour after the action commenced, having first killed several of her crew and made 21 prisoners, and taking from her three cannon, besides a large quantity of arms and ammunition and some provisions. And these deponents also say, that the occurrences above detailed took place on the River Detroit, and at a distance not exceeding 26 miles from the city of that name, which is the capital and the seat of government of the state of Michigan.

And this deponent, John Prince, further says, that having received certain despatches informing him of the movements of the invaders from Navy Island, on the Niagara frontier of this Province, towards the western district frontier, he thought it prudent to give Governor Mason notice of such movements, and he wrote a letter to that governor, a true copy whereof, marked (H.), is herewith annexed, and certified by deponent to be correct; and he received in answer two letters, one from Governor Mason and the other from Mr. Goodwin, the district attorney of Michigan; and the copies herewith annexed, marked (I) and (J.), are true copies of such letters, and certified by this deponent to be such.

And this deponent lastly says, that he has been credibly informed, and he verily believes that the enrolment of American citizens with rebels, traitors, and fugitives from this Province is new and has been for some time past carrying on in Michigan, for the express purpose of collecting a force to invade this Province to commit murder, rapine, and plunder, to sever this colony from the Crown of Great Britain, to upset our laws and constitution, and to attempt to impose upon Her Majesty's true and loyal subjects here a republican form of government; and yesterday received information on which can positively rely, that they lately captured and carried away from a boat lying near the head of Lake Erie on the American shore upwards of 100 barrels of flour belonging to Her Majesty, and on its way to Malden for the use of the militia and other forces there.

(signed) Thomas Radcliff,
Col. Commanding W. Dist. Frontier.

(signed) John Prince, Lt.-Colonel.

Sworn by the above deponents, John Prince and Thomas Radcliff,
at the city of Toronto in Upper Canada, this 15th day of February
1838, before me

(signed) John Powell,
Mayor of the City of Toronto, U. C.

To the Citizens of Detroit.

On behalf of a body of men under my command, from Cleveland, Ohio, led here by General Sutherland, to serve in what we considered, and do still consider, a great and glorious cause, the cause of liberty and the oppressed, I am induced to address you, and appeal to your generosity.

We embarked our little all in the glorious cause we came to serve. We have lost it; we have never shrunk from encountering any hardships, difficulties, or dangers that we had leaders to carry us into. We are now disbanded and left destitute, strangers in a strange land, to either beg, starve, or steal our way to our respective homes. In order to prevent the two last alternatives, we appeal to you as men and as brethren. It is as noble, it is as patriotic to prevent misery or crime at home, as to serve the cause of those who suffer under an oppressive government.

Respectfully,
(signed) E. M. Townsend,
Captain Cleveland Volunteers.

N. B.—Donations will be received at the bar of the National Hotel, the Exchange, or the American, or by the subscriber at the Jefferson House, Jefferson Avenue, where he will be happy to see his friends as soon as possible, and begs that they will understand we did not come without money and means.

(signed) E. M. Townsend.

I hereby certify the above to be a true copy of the printed hand-bill referred to in my affidavit.

(signed) John Prince.

(A.)

To his Excellency Stevens T. Mason, Governor of the State of Michigan.

Dear Sir,

Sandwich, U. C., 6 January 1838.

As the organ of the magistrates here, and by their desire, I lose not a moment to inform you that from clear and unquestionable authority, who were eye-witnesses to the fact last night,

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg.
17 March 1838.

Encl. 1, in-Des. 30.

night, we learn that a schooner, laden with arms, ammunition, provisions, and from 80 to 100 men, left Detroit this morning on her way down the river, with the intention of either attacking this frontier, or taking possession of the islands belonging to our Sovereign, called Bois Blanc and Fighting Island, one of them.

The schooner, I am informed, is called the Anne. She is at this moment slowly proceeding down the river, and close upon your side, below Spring-well, and is towed by a boat with several men in it. She has also two cannons on board. I am also credibly informed that a large body of men are met at Fort Gratiot, for the express purpose of joining the rebels and fugitives from this country, and that the steam-boat Macomb has proceeded from Detroit to afford them succour: and we are also correctly informed that our enemies possessed themselves last night, from the gaol in Detroit, of a large quantity of arms, and also of a waggon-load of gunpowder from the powder-house in your city. We are further correctly informed that they are raising volunteers, arms, and ammunition at Monroe to support the rebels and their adherents.

We rely on the sincerity of your declaration that you, as chief magistrate of the opposite state, will do all in your power to preserve the peace, to prevent your people from committing a breach of their laws, and to maintain the amity which at present subsists between Great Britain and the United States. We beg leave to repeat our former assertion, that we are prepared for any attack; but we again earnestly call upon you to take such immediate and energetic steps as will prevent bloodshed, and secure the peace of your countrymen and ours from being broken and destroyed. We at the same time beg to assure you, that no exertions on our part shall be wanting to attain that very desirable object; but unless prompt and immediate steps are taken, we will not conceal from you, our firm conviction, that hostilities will have commenced, and blood be shed within the next few hours.

I am, &c.
(signed) John Prince.

I certify this to be a correct copy of the original letter.

(signed) John Prince.

(B.)

Detroit, 6 January 1838.

Dear Sir,
Your favour of this morning has been received. I most sincerely regret that matters are assuming so serious an aspect on our borders. We have despatched a marshal to seize the schooner now proceeding down the river. The Macomb was stopped, her captain arrested, her lading examined, but nothing could be found to justify detaining her in port. A deputy marshal has been despatched to Monroe, and one to Fort Gratiot, with authority to call out the power of the respective counties to arrest all persons found in arms. A meeting of our citizens will be held at three o'clock this afternoon to enrol a volunteer force to aid in enforcing the laws in this city. I need not again express my determination to do all in my power to prevent the violation of the amity now existing between our Governments.

I am, &c.
(signed) Stevens T. Mason.

John Prince, Esq., Sandwich,
U. C.

I certify the above to be a true copy of the original letter.

(signed) John Prince.

(C.)

To Governor Mason, &c.

Bois Blanc Island, U. C., Malden, 8 Jan. 1838.
6 o'clock, A. M.

Dear Sir,
On the return of the steam-boat United from her unsuccessful attempt last Saturday to bring back to Detroit the schooner Ann, pursuant to your Excellency's instructions, three companies of our militia, besides several volunteers (of whom I form one), proceeded to Amherstburg, with a view of defending that town, and in the hopes of meeting the rebels and their adherents and supporters at this place.

But I regret to say that we have for the present been disappointed. I, however, deem it proper to inform your Excellency, as governor of the state of Michigan, that the above-mentioned schooner was at anchor last evening opposite the lower end of Grosse Isle, at a wharf near Gibraltar, and that she had on board several hundred stand of arms, being no doubt the same arms of which she possessed herself from the gaol at Detroit. There are, moreover, many hundreds of our enemies there, and they have some heavy cannon, which they fired about ten times last evening, and twice during the night; all these facts are within our knowledge.

From the conversation which my friend, Mr. Charles Baby, had with your Excellency on Saturday last, I was greatly in hopes that the schooner and her cargo, as well as many of her crew would, ere this, have been taken under your authority and dealt with according to law.

I now, with the concurrence of my brother magistrates, beg to inquire whether your Excellency will permit our forces on this side to attack the schooner, with a view of taking her

her and th
at once pr
willing to
that amica
standing o
act hostile
Mr. Men
and a repl

I certify

Dear Sir,

I presume
The eney
informed,
letter, also
and one, B
schooner (t
the town s
enemy), an
which was
was also co
steamers p
from Amhe
at the sou
belief by u
We assu
Blanc fort
nouncing h
secure him
the civil a
call upon y
natural ally
the shores
that bar of

I certify

(Official)

Gentle
The cont
frontier of
officially to
Heretofor
and others
the United
position of
will abide l
You are
of separate
Amongst th
foreign nat
the general
guarantee
these laws
district att
executive o
States' com
then; but c
tuted auth
them by th
357.

her and those who may attempt to defend her. If you consent to this our request, we will at once proceed to the attack; and we solicit this favour at your hands, because we are unwilling to commit any act which may be construed into aggression, or a breach by us of that amicable understanding which subsists between our Government and yours, notwithstanding our conviction that the men and schooner, and arms in question, are intended to act hostilely towards us.

Mr. Mercer (one of our magistrates) has undertaken to deliver this to your Excellency, and a reply by him will be thankfully received by your

Excellency's most obedient humble servant,
(signed) John Prince.

I certify the above to be a true copy of the original letter.

(signed) John Prince

(D.)

To his Excellency Stevens T. Mason, Governor of the State of Michigan.

Dear Sir,

Amherstburg, U. C., 9 January 1838. 4 o'Clock, A. M.

I presume that you have received my letter of yesterday's date.

The enemy commenced his attack upon us about sunset last evening. His force, we are informed, consist of the schooner or sloop, believed to be the Ann, referred to in my former letter, also two scows and divers boats, a large schooner, three field-pieces, two 12-pounders, and one 8-pounder, besides a large quantity of arms, and some hundreds of men. One schooner (the Ann) sailed up in front of Amherstburg, along the British channel between the town and Bois Blanc, last evening. Our people fired upon her (knowing her to be an enemy), and she returned the salutation by two cannon-shots. The steam-boat United, which was very innocently bringing down some passengers from Sandwich to Amherstburg, was also complimented with two musket-shots from (as it is supposed) one of two American steamers proceeding up the river. The schooner, supposed to be the Ann, then steered from Amherstburg round the northern end of Bois Blanc. The large schooner is at anchor at the south end of Bois Blanc; and there are lights on Hickory Island, which induce a belief by us that she has moored near her the scows and small boats above referred to.

We assume that the enemy will possess himself (if he has not already done so) of Bois Blanc forthwith. He is lying at anchor opposite to us. We have no hesitation in pronouncing him to be regardless of all laws, and a plunderer and pirate. My object is to secure him, and to make him amenable to the laws of this country; and in the name of the civil authorities of Upper Canada, as well as in the name of common justice, I now call upon your Excellency, as the governor of Michigan, to assist us, the subjects of your natural ally, in preventing this enemy from touching upon or holding any intercourse with the shores of Michigan, whereby we hope to be enabled to capture her, and to bring her to that bar of justice which will deal with her according to her merits.

I have, &c.

(signed) John Prince.

I certify the above to be a true copy of the original letter.

(signed) John Prince.

(E.)

(Official.)

To the Magistrates of Sandwich, Upper Canada.

Gentlemen,

Executive Department, Detroit, 9 Jan. 1838.

The controversy now pending in the Province of Upper Canada, and immediately on the frontier of this state, is beginning to assume so serious a character, that I deem it my duty officially to communicate to you my position, relations, and duties in the premises.

Heretofore I have, as an individual rather than in my official capacity, expressed to you and others my desire to preserve the friendly relations existing between the Government of the United States and that of Great Britain; but in the ground now taken I maintain the position of governor of a sovereign and independent state of the American Confederacy. I will abide by it, and give you my assurance that I will not abandon that position.

You are perhaps well aware that the general government of the United States is composed of separate and independent states, with certain delegated powers to the federal head. Amongst these delegated powers are all the relations of peace and war, and intercourse with foreign nations. In furtherance of these powers which have been surrendered by the states, the general government have enacted certain laws for the preservation of neutrality and the guarantee of the faith of treaties between itself and other governments. The execution of these laws does not immediately belong to state authorities, but is vested in a district judge, district attorney, and marshal of the United States. When these officers call on me as the executive of the state of Michigan, conveying the information that the process of the United States' courts cannot be enforced without executive aid, my official duties begin, and not till then; but on every occasion where the contingency stated arises, you will find the constituted authorities of Michigan prompt and ready to discharge every duty incumbent upon them by the laws of their country.

UPPER
CANADA.

No. 30.
Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 1, in No. 30.

174

CORRESPONDENCE RELATIVE TO THE

In obedience to the requisition made on the executive of this state, I have aided the marshal of the United States for this district, to enforce the process of his court, and have dispersed the armed force stated by you to have been assembled within the jurisdiction of this state in violation of the acts of the Congress of the United States. It will therefore readily occur to you that all further communication on this unpleasant subject must be addressed to the district attorney of the United States.

In reply to the immediate inquiries of your letter, I must state, that whilst all persons proceeding from this state, and found in arms within the jurisdiction of the Province of Upper Canada, have lost all claim to the protection of the laws of the United States and of this state; and whilst all intercourse between the United States and foreign powers belong to the federal government, I cannot permit, without resistance, any invasion upon the soil of the sovereign and independent state over which I preside as chief magistrate.

I am, &c.
(signed) Stevens T. Mason.

I certify the above to be a true copy of the original letter.

(signed) John Prince.

(F.)

To John Prince, Esq., Sandwich, U. C.

Dear Sir,

Detroit, 9 January 1838.

Your letter of this date has been received, and laid before the district attorney of the United States.

For your further information, I enclose you the copy of a letter which I have addressed to the magistrates of Sandwich, in reply to your communication of the same date.

Very respectfully, &c.
(signed) Stevens T. Mason.

I certify the above to be a true copy of the original letter.

(signed) John Prince.

(G.)

To the Civil Authority of Sandwich, U. C.

Adjutant-general's Office, Detroit, 8 January 1838.

I have the honour to inform you, by direction of his Excellency the Commander-in-Chief, that by 12 o'clock at noon this day, the steam-boats Erie and General Brady will leave this city, with a sufficient armed force, to proceed to the mouth of this river to enforce the laws of the United States against any armed men who attempt a violation of the same.

This communication is given with a view of informing you of the fact, that his Excellency the governor, who is with the detachment, will do all in his power to allay this unfortunate excitement, and that you may understand this movement.

Very respectfully, &c.
(signed) J. E. Schwarz,
Adjutant-general, Michigan.

I certify the above to be a true copy of the original letter.

(signed) John Prince.

(H.)

To his Excellency Governor Mason, Detroit.

Dear Sir,

The Park Farm, M. C., Thursday Morning, 25 Jan. 1838.

Since sealing my packet (No. 1.), I have received from Colonel Radcliffe, the officer commanding this western frontier, two despatches, copies of which I enclose for your Excellency's information, and for the information of your district attorney, to whom I take the liberty of requesting your Excellency to submit them, as I really cannot find time to make copies for him.

I learn from good authority, that the man calling himself General Sutherland is gone into the interior of Michigan (it is supposed in the direction of Pontiac), to raise volunteers. I do hope and trust that your authorities will arrest and secure him and his adherents, if possible. It is painful to reflect upon the immense expense attending the constant guarding of this country; upon whom that expense will eventually fall it is not for us, perhaps, to inquire at this moment; but I am sure your Excellency will agree with me in opinion, that it is the bounden duty of all good citizens and subjects to prevent the invasion of Upper Canada from being proceeded with, if possible, both with a view to save the effusion of human blood, and also the enormous cost of keeping thousands of men in arms. I beg to enclose a copy of some Acts which our Legislature has felt it incumbent upon them to pass in these disastrous and most critical times.

If

If your
papers ha
covering M
service he

I certify

Dear
Your co
Accomp
I hope,
on this fr
point, and

I certify

Sir,
Governor
movements
the views o
avert any s
only say in
trial and p
subject.

I certify

Most C
Wz, Yo
Provincial
Resolutions
this subject
Trade and
mending th
and leave it
duties on ea
and protecti
Commons

Resolved,
Jesty's Gove
10th of Ma
on the subj
Committee o
1837 to the
reason to be
the Address
tented the h
357.

AFFAIRS OF LOWER CANADA, &c.

175

If your Excellency has leisure to send one line by the bearer, merely to say that these papers have all reached you safely, I shall be thankful for it. I had much pleasure in receiving Mr. Norton yesterday, and I believe I shall find it in my power to render him the service he requires.

I remain, &c.
(signed) J. Prince.

I certify the foregoing to be a true copy of the original letter.
(signed) John Prince.

UPPER
CANADA

No. 30.
Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 1, in No. 30.

(I.)

To John Prince, Esq.

Detroit, 26 January 1838.

Dear Sir,
Your communications of this morning were duly received. Accompanying this communication, you will receive a letter from the district attorney. I hope, in the name of all that is just, that we are not to have the party from Navy Island on this frontier. Some time since I applied to the President for a military force at this point, and I expect every mail to bring the necessary orders to General Brady.

Respectfully, &c.
(signed) Stevens T. Mason.

I certify the above to be a true copy of the original letter.
(signed) John Prince.

(J.)

To John Prince, Esq.

Detroit, 26 January 1838.

Sir,
Governor Mason has just shown me certain letters transmitted him to-day in regard to movements contemplated against the Province of Upper Canada. You are fully apprised of the views of the authorities of the United States upon this subject, and their disposition to avert any such movement, and prevent any invasion of the Province from our territory. I can only say in addition, that efforts will continue to be made for that object, and to bring to trial and punishment those who may be concerned in violating the laws relating to this subject.

I have, &c.
(signed) D. Goodwin, U. S.
Attorney for Michigan.

I certify the above to be a true copy of the original letter.
(signed) John Prince.

Enclosure 2, in No. 30.

To the Queen's Most Excellent Majesty.

Encl. 2, in No. 30.

Most Gracious Sovereign,
We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly present to Your Majesty the accompanying Resolutions on the trade and commerce of this Province; and pray Your Majesty to cause this subject to be again brought under the consideration of the Lords of the Committee of Trade and Plantations, in the hope that their Lordships will see the necessity of recommending that part of the law containing the restrictions herein complained of to be repealed, and leave it to the wisdom and discretion of the Legislature of this Province to impose such duties on each article as they conceive it will bear, with the view of increasing their revenue, and protecting the trade and commerce of this Colony.

Commons House of Assembly,
27 February 1838.

Allan N. MacNab,
Speaker.

Resolved, That this House feel it their duty most respectfully to call the attention of Her Majesty's Government to the despatch of Her Majesty's Secretary of State for the Colonies of the 10th of May 1837, in answer to the Address of this House on the 3d of May preceding, on the subject of the trade of this Province, in which the Secretary to the Lords of the Committee of the Privy Council for Trade and Plantations, in his letter of the 2d of May 1837 to the Under Secretary of State, Mr. Stephen, urges objections which, we have every reason to believe, would have been removed, had the Report of the Committee, on which the Address was founded, been transmitted with that document, and would have thus prevented the injury, inconvenience and loss which have arisen from the delay.

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Each 2, in No. 307

Resolved, That the Report above mentioned shows most clearly, that the Province is greatly impeded by embarrassments arising from the course heretofore pursued by the Legislature of Lower Canada; the want of a sea-port, under the control of our Legislature, and the vexatious and unnecessary restrictions on our trade and commerce; the practical operation of the present Trade Acts are therein set forth by showing, that a very large proportion of tea and other articles consumed in this Province are smuggled from the United States, and that, from our extensive frontier, it is impossible to prevent this illicit trade by any legal enactment; assigns the reason why it would not lessen the trade of the mother country; enumerates all the articles which could be affected by the measure, which are inconsiderable in number, quantity, or value; and shows the strongest motive which actuated the Committee to press the measure so earnestly; viz. depriving political agitators of the power to create discontent by alluding to any duty which was considered oppressive.

Resolved, That the letter referred to in the foregoing Resolution states, that the prayer of the Address goes much beyond the mere prevention of smuggling, since it proposes to place the trade of foreign countries with this Colony on the same footing as that of the United Kingdom, and that it does not furnish information on which they could proceed to modify the existing law with regard to particular commodities. This information is, however, supplied by quoting the articles from the Report of the Committee on Trade before alluded to. The letter then proceeds with the following remark: "The only article named in the Address is tea, and that is subject, in Canada, to no Parliamentary duty; the only restraint is, that it cannot be imported into the Colony from the United States; and the Lords of the Committee cannot readily believe that a commodity, whose place of origin is so distant as China, can, by mere mercantile superiority, be conveyed to Upper Canada, through the interior settlements of the United States, so much more cheaply than by the waters of the St. Lawrence, as to give to the American smuggler a decided advantage over the British merchant."

"Under these circumstances, the restriction on the importation of tea should not be spoken of as a prohibition, and the articles which are really prohibited are so few in number, and of descriptions which can be so readily supplied by the regular channels, that their Lordships cannot see any reason for entertaining that part of the complaint of the Address which relates to tea."

Resolved, That this House cannot withhold the expression of their regret and surprise that the Lords of the Committee of Trade cannot readily believe that tea is introduced for the supply of Upper Canada through New York, cheaper than by Quebec, although it was so stated by this House, because it is a most striking and convincing proof, that neither the geographical situation of this Province or, the nature of our trade is understood; and unless this House can succeed in removing these erroneous views and impressions, they may continue to labour under their present embarrassments for many years to come.

This House assures the Lords of the Committee that it is not owing to "mere mercantile superiority" that tea is introduced cheaper from a country so distant as China, by New York, the Hudson river, and Erie Canal, than by Quebec and the St. Lawrence, but to the embarrassments and impediments which are experienced by our trade and commerce, which are fully detailed in the foregoing Resolution, and which they most earnestly call upon Her Majesty's Government to remove.

Resolved, That in the opinion of this House, tea would pay a provincial duty of 3d. per pound, and still be introduced from the United States cheaper than through Lower Canada.

The letter to which reference has been already made then goes on to state: "That the commodities which are subject to high duties, are chiefly manufactures, such as are usually supplied from Europe, but of which some, such as coarse and heavy cottons, are made also in the United States; the remedy in these cases would no doubt consist of a reduction of duties, but, as has been already intimated, the grievances are stated in the Address in such general terms, and the relief desired is so extensive and unqualified, that the Lords of the Committee cannot make that document the foundation on which they should proceed to investigate the one or consider the other."

Resolved, That in reply to these observations, this House most respectfully take occasion to express their regret, that their Lordships should have found the grievances of which they complain, stated in such general terms, and the relief desired so extensive and unqualified, as to preclude investigation or consideration; to remove this difficulty, their Lordships are referred to the enumeration of the Articles in 4th Will. 4, c. 89, where the particular information required may be supplied.

Resolved, That the letter before referred to again states as follows: "I am to request that you will lay these observations before Lord Glenelg, as immediately applicable to the case of Upper Canada, so far as regards any Parliamentary duties, to which alone the Memorialists address themselves; and that you will at the same time inform his Lordship that the Lords of the Committee do not see any grounds in the subjects thus brought before them, in which they could recommend any new facilities of trade in behalf of that Province, which should not be equally extended to all the British Colonies in North America; and it will be manifest to Lord Glenelg, that such a subject could only be entertained, either as a question for a great change in the principles of our colonial policy, or with a view to some specific modification of that policy in respect of some particular commodities."

Resolved,

Resolved,
Upper Ca
much as
commerce
access to
United St
can be fur
relates to
from impo
it enacts,
lature from
created by
ment alone

Resolved,
introduction
rendered in
the presen
better situ
23 cents p
ports, whi
from duty
before refe
variance w
and giving

Resolved,
going resol
be laid ag
deration, in
taining the
of this Leg
with the vic
Province.

Most C
We, Your
vincial Parl
resolutions
and Lower
of the Provi
Your Majes
wisdom, be
thereby per
dependence

Commons
20 F

Resolved,
the causes w
of the Provin
Government
rence in futu
piness, and p
loyalty to H
the said Pro

Resolved,
these Provin
distinct color
above the n
acquiring we
ness allotted

Resolved,
pursued by t
357.

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

Resolved, That this House most respectfully represent that the peculiar local situation of Upper Canada most materially differs from that of any other of Her Majesty's colonies, inasmuch as the latter are accessible from the ocean—possess sea-ports, and can regulate their commerce on some general and fixed rules; not so with Upper Canada, for cut off from access to the sea by Lower Canada, occupying an immense extent of frontier adjoining the United States, commodities of all kinds are and ever will be introduced from the latter, if they can be furnished at a cheaper rate. The Act of 3 & 4 Will. 4, is not only inoperative, as it relates to this Province, but it is even injurious, since it prevents the Provincial Legislature from imposing duties on the articles consumed; and by the ad valorem rate of duty which it enacts, enables individuals to practise frauds, creates discontent, and precludes the Legislature from collecting a revenue, which is absolutely necessary to pay the interest of the debt created by sums borrowed and expended on their various improvements, and by which payment alone their credit can be preserved.

Resolved, That although this Province is placed on a better footing with respect to the introduction of grain into England, yet the regulation intended to establish this benefit is rendered inoperative altogether, from the circumstance that no grain can be sent home with the present rate of duty, and the inhabitants of the United States are placed in a much better situation than those of this Province, inasmuch as we are charged with a duty of 23 cents per bushel on all wheat of the growth of Upper Canada, when admitted into their ports, whilst at the same time, wheat of the growth of the United States is introduced free from duty into this Province, if intended for home consumption, under provisions of the Act before referred to, a regulation which forms a subject of general complaint, as totally at variance with the just principle of reciprocity, subjecting our markets to fluctuations in grain, and giving their grower a gain to that amount.

Resolved, That an humble address be presented to Her Majesty, accompanying the foregoing resolutions, and praying that Her Majesty will be pleased to cause this subject to be laid again before the Lords of the Committee on Trade and Plantations for their consideration, in the hope that they will see the necessity of repealing that part of the law containing the restrictions herein complained of, and leave it to the wisdom and discretion of this Legislature to impose such duties on each article as they conceive it will bear, with the view of increasing their revenue, and protecting the trade and commerce of this Province.

Enclosure 3, in No. 30.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal subjects the Commons of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to transmit to Your Majesty sundry resolutions adopted by this House on the subject of an Union of the Provinces of Upper and Lower Canada, together with a Report of the Select Committee on the political state of the Provinces, adopted by this House; and we do most humbly and earnestly beseech Your Majesty most graciously to be pleased to take such steps as shall, in Your Majesty's wisdom, be deemed necessary to carry out the views of Your Majesty's faithful subjects, and thereby permanently secure these Provinces, and the British North American Colonies, as dependencies of the British Crown.

Commons House of Assembly,
20 February 1838.

Allan N. MacNab,
Speaker.

Encl. 3, in No. 30.

Resolved, That it is the duty of this House to take into their most serious consideration the causes which gave rise to the late rebellion, together with the present state and condition of the Provinces of Upper and Lower Canada, with the view of addressing Her Majesty's Government thereon, and pointing out what, in their judgment, will avert a similar occurrence in future, and restore the inhabitants of these Provinces to that state of peace, happiness, and prosperity which they are most justly entitled to enjoy, as well from their devoted loyalty to Her Majesty's Crown and Government, as from the peculiar advantages which the said Provinces possess in soil, climate and situation.

Resolved, That in the opinion of this House, the chief causes of the evils under which these Provinces have suffered, may be traced to their unwise division into separate and distinct colonies in 1791, when, with a limited population, a line was drawn a few miles above the navigable waters of the Saint Lawrence, and all the wealth, and the means of acquiring wealth, were given to, and placed at the control of, the French, and a mere wilderness allotted to the English portion of that population.

Resolved, That the result of this injudicious decision, together with the impolitic course pursued by the British Government in relation to this country, has been to foster and maintain





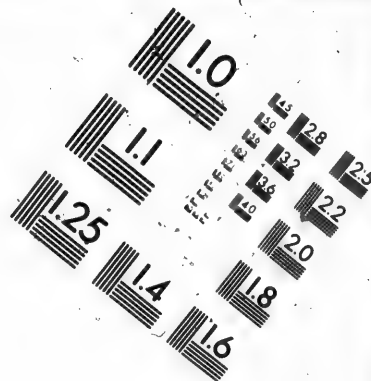
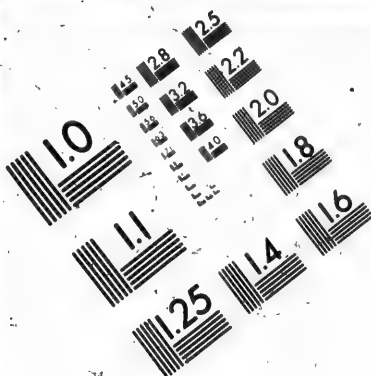
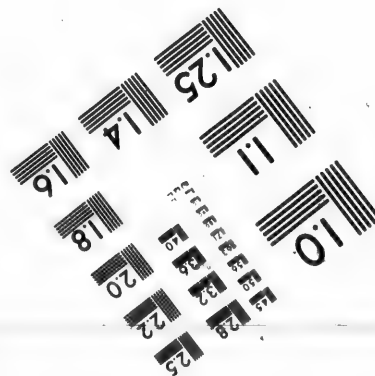
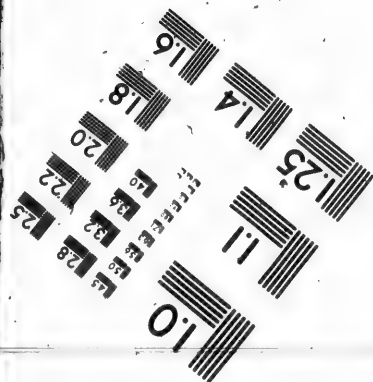
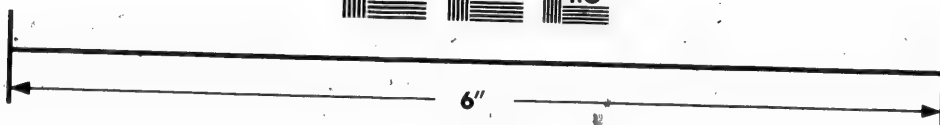
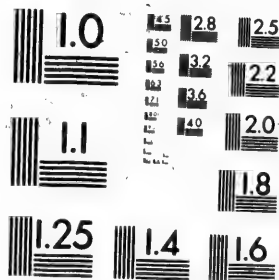


IMAGE EVALUATION TEST TARGET (MT-3)



Photographic
Sciences
Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

0
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

tain the French population, perpetuate their language, establish a strong national feeling, encourage a decided hostility to British interests and institutions, and thus create and maintain a national character of French origin.

Resolved, That by this division, a large proportion of the revenue arising from our industry and our commerce has always been most unequally and unjustly placed under the control of the French Legislature of Lower Canada, although four-fifths of the revenue is derived from the growth and productions of Upper Canada, thereby supporting the government of the sister Province without any taxation encouraging, inactivity, an anti-commercial feeling, and paralyzing their energies, as proved by their having undertaken but few public improvements.

Resolved, That although the Legislature of Lower Canada have hitherto had so large a proportion of this revenue at their disposal, it has not been appropriated in any manner to the advantage of the inhabitants of Upper Canada, or for the joint interests of the two Provinces.

Resolved, That our imports and exports must inevitably pass through that portion of Lower Canada which lies between us and the sea, nor would the completion of a canal in that Province, in connexion with the one now nearly constructed in Upper Canada, cut of the revenues of the Lower Province, remove the difficulties under which we labour; as the interest of the money expended, and the tolls levied, would, in the end, be imposed on our exports and imports, which alone would be transmitted by that canal.

Resolved, That so long as this division line exists, it will be impossible for the Legislature of this Province to place their revenue, or regulate their commerce, on a permanent basis, inasmuch as the Legislature of one Province may impose one rate of duty, on any one article from the United States, and the Legislature of the other Province impose a higher or less duty on the same article imported; thus introducing greater or less quantities of the same article for the general consumption, and rendering it impossible for the Legislature of either Province to estimate, on any correct data, the probable amount they may receive for any given time.

Resolved, That it is in vain for the Legislature of this Province to attempt to collect any revenue from foreign commerce, to pay the interest on the debt they have contracted for the various public improvements, so long as another Legislature with separate interests controls our sea-ports.

Resolved, That the practical benefits or disadvantages of an union, or the control of a sea-port, under the jurisdiction of the same Legislature, may be more strikingly illustrated by a comparison with the State of New York and the Provinces of Upper and Lower Canada, lying side by side on the opposite banks of the Saint Lawrence and the shores of Lakes Erie and Ontario. In 1815, the trade and commerce of the entire country bordering on those great lakes passed down their natural outlet, the Saint Lawrence; in 1824, this trade, as well as that on the shores of Lake Champlain, was diverted to the Hudson, by the construction of a canal by the Legislature of the State of New York, without the collection of one farthing of duty from foreign commerce. On the other hand, it is notorious that the Legislatures of the Provinces of Upper and Lower Canada have not, to the present moment, adopted any measure in concert to restore this commerce to its natural and original destination, although they have had, for many years, at their disposal, a revenue derived from foreign imports to the amount of least 100,000*l* per annum.

Resolved, That a great saving would be effected in the governments of the two countries, by uniting their Legislatures, and additional facilities afforded in accomplishing any measure by a direct communication with the Home Government, in place of waiting years to obtain the sanction of two legislative bodies, actuated by different views, feelings, and separate interests.

Resolved, That the currency of the two Provinces, the management of the Post-offices, together with every internal regulation, can never be placed on a permanent and beneficial footing, so long as this separate interest prevails.

Resolved, That although this House entertain the sentiments expressed in the foregoing resolutions, and feel that they will gather strength from year to year, so strong is their apprehension that an union of those Provinces would prove injurious to their best interests, unless a decided majority in the Legislature is allotted to this Province, as recommended in the report of the Select Committee of this House during the present session, on the political state of the Provinces, they desire a united Legislature only on the following terms and conditions:

1st. That the principles of our Constitution be maintained inviolate; each branch of the Legislature to be constituted on the principles originally intended by the Act of the Imperial Parliament; that all future appointments in the Legislative Council be made in such manner from the different districts as best to secure the agricultural, commercial, and other interests of the Province.

2d. That the casual, territorial, and every branch of the Revenue, be placed under the control of the Legislature upon the same principles as Her Majesty's Government has been pleased to concede them to the Province of New Brunswick and Nova Scotia, which con-

cession on

cession
it holds
sd.
4th.
be esta
a few y
truly B
the Bri
6th.
capital,
ment of

Resol
foregoin
the Pro
earnest
Majesty
jects, a
Colonies

To the H

Your
Lower C

Your
time hav
and deli
moment;
our grac
causes w
minions,
protect u

Before
advantag
history o

At the
now cons
65,000 sc
laws, adu
they migh
civil liber

The cer
tion of th
ment: th
they lived
in all the
religion h
Proclama
the advice
ture and h
criminal a

of Englan
sentence o
tions, to th
cease, so s
called and

The aut
of the mo
the year 1
lation in th
after, amon
Rome the
vided for t
17 of the r
to the levy
government

This Act
sentative fo
the year 12
Upper and
since been

357.

cession has given the greatest satisfaction to Her Majesty's subjects within this Province, as it holds out an evidence of what we may anticipate from the same liberal policy.

3d. That the Seat of Government be established within the boundary of Upper Canada.

4th. That in order to give full scope to British enterprise, the English language should be established in the Legislature, in courts of justice, and in all legal proceedings, which, in a few years, would produce the beneficial result of converting a Canadian province into one truly British, and thus draw still closer the ties which bind that section of the Canadas to the British Crown.

5th. That for the encouragement of enterprise, the introduction of British and foreign capital, and the security of property, the abolition of the feudal tenures, and the establishment of register-offices, are indispensable.

Resolved, That an humble Address be presented to Her Majesty, accompanied with the foregoing Resolutions; together with a Report adopted by this House on the political state of the Provinces of Upper and Lower Canada, having reference to the same subject; and earnestly praying Her Majesty graciously to be pleased to take such steps as shall, in Her Majesty's wisdom, be deemed necessary to carry out the views of Her Majesty's faithful subjects, and thereby permanently secure these Provinces, and the other North American Colonies, as dependencies of the British Crown.

(Truly extracted.)

To the Honourable the Commons House of Assembly, in Provincial Parliament assembled.

Your Committee, ordered to inquire into the political state of the Provinces of Upper and Lower Canada, beg leave to report as follows:

Your Committee have entered upon the duty assigned to them, fully convinced that at no time have the affairs of these Provinces been placed in a condition demanding a more calm and deliberate consideration at the hands of the representatives of the people than at this moment; and that a period has arrived when it is especially incumbent on them to address our gracious Sovereign in terms of the most dutiful yet earnest entreaty, to consider the causes which have led to the recent unnatural revolt in this portion of Her Majesty's dominions, the evils that have resulted from it, and the measures necessary to guard and protect us from the recurrence of a like calamity.

Before entering upon an investigation of these deeply important questions, it may be of advantage, and assist in elucidating the inquiry, to take a short review of the political history of these Provinces since they became a part of the dominions of the British Crown.

At the time of the conquest of Canada in 1758, the population of the whole territory, now constituting the Provinces of Upper and Lower Canada, was estimated at about 65,000 souls. These were governed by an antiquated and almost unintelligible system of laws, administered by a governor unrestrained by any authority within the Province, and they might therefore be regarded as being completely dependent for the possession of their civil liberty upon the caprice or dictatorship of a military despot.

The cession of the country to the British Crown was followed by an immediate amelioration of the political condition of the people, and the improvement of their laws and government: they were rescued, with the least possible delay, from that state of vassalage in which they lived while under the dominion of France, and were secured gradually, but effectually, in all the privileges and immunities of British subjects. The uninterrupted exercise of their religion had been confirmed to them by the terms of the capitulation, and in the Royal Proclamation issued on the 7th October 1763, power was given to the Governor, with the advice of a Council appointed by the Crown, "to erect and constitute Courts of Judicature and Public Justice within the Colony, for the hearing and determining of causes, as well criminal as civil, according to law and equity, and as near as may be agreeable to the laws of England: with liberty to all persons who might think themselves aggrieved by the sentence of such courts, in all civil causes, to appeal, under the usual limitations and restrictions, to the King in his Privy Council." The authority thus given to the Governor was to cease, so soon as the circumstances of the colony would admit of a General Assembly being called and constituted, as in other colonies.

The authority thus placed in the hands of British governors, was exercised by a succession of the most able and upright men, from the time the Proclamation was promulgated until the year 1774, when it was deemed advisable more nearly to assimilate the system of legislation in the Colony to that of the mother country; and accordingly an Act was passed, which after, among other things, confirming to the inhabitants professing the religion of the Church of Rome the free exercise of their religion, and continuing the criminal law of England, provided for the appointment of a Council, to be composed of not more than 23, nor less than 17 of the residents of the province, who were authorised (under certain restrictions relating to the levying of taxes, and religious questions) to legislate for the peace, welfare, and good government of the colony.

This Act was avowedly passed as a preliminary measure to the introduction of the representative form of Government promised by the Proclamation of 1763; and accordingly, in the year 1791, the Act which divided the then Province of Quebec into the Provinces of Upper and Lower Canada, and conferred on each the Constitution under which they have since been governed, was passed.

UPPER
CANADA.

No. 30.
Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

This constitution, modelled on that of Great Britain, and containing all the elements necessary for the most perfect security and enjoyment of civil and religious liberty, has enabled these Provinces to advance in wealth and general prosperity to an extent almost without example in any other country; and from the time of its adoption until within the last few years, was regarded in Lower Canada, as it has always been in the Upper Province, as the noblest monument of love of liberty and generous policy ever exhibited by a nation towards any of its colonies.

The propriety of the division of the Province was much questioned at the time it was made; and it is even now thought by many to have been one of the causes of the evils under which the country is suffering. It is but justice, however, to state, that in this act, as in every other, the British Government was influenced by a desire to consult and advance the social and domestic happiness of the people, as well as to promote their general prosperity. Upper Canada was settled by united English Loyalists, who were of the Protestant religion, and were accustomed to be governed according to the laws of England. Lower Canada, on the contrary, was chiefly peopled by Roman Catholics, who preferred continuing under the legal tribunals that existed at the time of the conquest; and the line of division was so drawn as to separate these two classes of people, and leave them unembarrassed by conflicts arising from difference in their civil and religious institutions. At the time the Act last referred to was passed (1791), the population of Lower Canada did not exceed 150,000; it cannot now be reckoned at less than 600,000. Upper Canada contained little more than 10,000 souls; they may now be numbered at 450,000. The commerce and agriculture of both Provinces have kept pace with this vast increase in their population, and the British nation has extended protection to them with that liberal and generous spirit, for which our parent state has ever been distinguished; added to which, we are blessed with a fertile soil and healthy climate, and a country abounding generally in natural advantages, not excelled by any other portion of the globe. And all these blessings are enjoyed without taxation that deserves the name of a burthen, and which, trifling as it is, is applied exclusively to the necessary support of the Government, and the improvement of internal communication; and lastly, we are protected from foreign invasion without cost, by the fleets and armies of the United Kingdom.

Amidst these blessings, visible as they are to all the world, the Canadas have recently exhibited the degrading and guilty spectacle of being in open rebellion against the noble and generous power to which they are indebted for the enjoyment of them. Your Committee will enter into no discussion of the possible circumstances, arising from a long course of injustice or tyranny, that may excuse or justify a people in throwing off their allegiance to their Sovereign; they think this the less necessary, because they at once assert, that the condition of the Canadas presents no single point on which to build an argument favourable to such a position. They were as exempt from tyranny, and as free from oppression on the part of their Government, as it is possible to suppose any people who are subject to the salutary control of laws of their own choice, and administered with their utmost purity by judges above the suspicion of unfair or improper bias.

Neither can your Committee ascribe the conduct of the disaffected to that impatience natural to man, to be freed even from nominal dependence on a higher power, although that dependence be evidently to his advantage. Your Committee have no hesitation in stating, that in Lower Canada the rebellion proceeded from an inveterate hatred of British rule and British connexion, on the part of the Canadians of French origin, to which class disaffection is, in that Province, exclusively confined.

In Upper Canada, the riot or insurrection (it deserves not the name of rebellion), confined to less than 1,000 out of 450,000 inhabitants, proceeded from a heedless preference of the democratic institutions of the neighbouring Republic, on the part of a small number of worthless men, chiefly of broken fortune, who had contrived by the most gross and detestable system of falsehood and misrepresentation, to delude a few hundreds of the most ignorant and credulous of the people to unite with them in the criminal attempt to seize upon the seat of government and the public offices, and to subvert the constitution.

Your Committee will now direct the attention of your Honourable House to the gradual development of the feeling of hatred towards the British nation, on the part of the Lower Canadians of French descent; the measures of the leaders of the disaffected party, having in view the destruction of the constitutional power of the Crown, and separation from Great Britain; and the encouragement they received from the mistaken policy of the British Ministry.

At the conclusion of the late war with the United States of America, these provinces began to attract a larger share of the attention of the people of the United Kingdom than they had previously enjoyed; and many persons of wealth, as well as great numbers of agriculturists and mechanics, resorted to them, as a country affording favourable opportunities of investing their capital, and establishing their families in independence and comfort; and from emigration alone, the Canadas have more than doubled their population since the year 1820.

This influx of our fellow-subjects was in the highest degree satisfactory to the inhabitants of British origin, but most distasteful and repugnant to the wishes and views of those of French descent. The former saw in it the most certain security for the maintenance of the connexion with the mother country, while they experienced, in common with all others, the immense advantages arising from increased commerce and general wealth, as well as improvement in the condition of society, and social comfort and happiness. The latter at once discovered that unless they could check immigration from the British Isles, or at all events, obtain such an ascendancy over the Government as would place it in a state of

dependence

depend
as they
frustrat

With
origin,
demand
Act 14
of the
and wh
added t
years, a
other pu

The c
of any
represent
Governm
such fo
any term

This c
disagree
detail of
decorum
Dalhous
once to
inhabita
contain
tingent u

Upon
to gain c
and the c

Your
which, in
Report o
referred,
been base

Before
expressio
felt it nec
subjects
those wh
belong pe
gation.

Governm
mostly w
Parliament
from the

The ev
upon ex
recommen
Crown, a

The con
Ministers
of policy,
the Govern
concession
with a du
restrain th
rebellion.

The mo
the receipt
nivable fro
ment of th
Assembly,
with the a
the judges
salaries.

be given to
tion of the
excluded h
be appropri
expended
their Rep
evidently f

Without
ment, or e
357.

No. 30.
Sir F. B. Head to
Lord Glenelg.
17 March 1838.

Encl. 3, in No. 30.

dependence upon the House of Assembly, before they were outnumbered by the "Foreigners," as they termed the English, Irish and Scotch settlers, their hopes of independence would be frustrated.

With this view, the leading members of the Assembly of French descent (those of English origin, who at the time united with them, did not probably understand their true motives,) demanded the surrender on the part of the Crown, of the revenues raised under the British Act 14 Geo. 3, c. 88, and which, by the terms of that law, were to be applied to the support of the civil Government of both Provinces, under the direction of the Lords of the Treasury, and which, though inadequate to the purpose at the time, it was probably foreseen, when added to other sources of revenue at the disposal of the Crown, would, in the course of a few years, amount to a sum equal to the payment of the salaries of the Governor, Judges, and other public officers, and thus render the Government independent of any vote of supply.

The contest began by representations to the Home Government on the unconstitutionality of any portion of the public revenues being disposed of by any other authority than the representatives of the people; by reductions in the estimates for the support of the civil Government, by sending the supply bills to the other branches of the Legislature, drawn in such form as to prevent their adoption; and finally, by refusing to grant a supply on any terms.

This course of conduct pursued by the House of Assembly, as might be expected, led to disagreement with the other branches of the Government; and, without entering into any detail of the various Acts manifesting a total disregard of the ordinary rules of courtesy and decorum exhibited by the Assembly and their Speaker in their intercourse with the Earl of Dalhousie, then Governor-general of British North America, your Committee will proceed at once to the consideration of petitions, purporting to be signed by about 87,000 of the inhabitants of Lower Canada, addressed to the King in the year 1828, and purporting to contain all the grounds of complaint on the part of the Province, and the measures contingent upon them.

Upon a reference to these petitions, it will be apparent that their object and design was to gain concessions by which the constitutional authority of the Crown would be weakened, and the democratic power strengthened.

Your Committee will not prolong their Report, by the examination of the particular points which, in their opinion, justify this assertion, as the remarks they have to offer on the Report of the Select Committee of the House of Commons, to whom these petitions were referred, and upon which the subsequent policy of the Home Government appears to have been based, will sufficiently prove its correctness.

Before proceeding with their remarks, however, your Committee cannot withhold the expression of their regret, even at this distant day, that the Colonial Minister should have felt it necessary to appeal to the House of Commons for a Committee to inquire into the subjects complained of. It has been justly remarked, that there are few occasions where those who administer public affairs are justified in delegating to others the duties that belong peculiarly to themselves; and this was a case, of all others, unfitted for such delegation. The points in dispute were such as involved the great principles of Colonial Government; and the remedy for the abuses complained of, if they really existed, were mostly within the power of the Crown, and in no respect requiring the interference of Parliament; and those that demanded such interference should have proceeded at once from the Minister, and upon his responsibility.

The evil of the course pursued is apparent from the fact, that a Report was drawn up upon *ex parte* statements (and, in some instances, gross misrepresentations), and contains recommendations and opinions destructive of the just and constitutional authority of the Crown, and the maintenance of an efficient administration of the Government.

The consequence, as might have been foreseen, has been to cripple such of our Colonial Ministers as have, since that day, been desirous of maintaining a firm and consistent course of policy, and to afford a pretext for others to pursue a system which has almost annihilated the Government, and which has encouraged the enemies of British supremacy to demand concession after concession with greater rapidity than it seems to have been practicable, or, with a due regard to appearances, proper to grant, until at length, unable any longer to restrain their impatience, they have risen and attempted to gain their object by open rebellion.

The most important recommendation of the Committee of the House of Commons was, that the receipt and expenditure of the whole revenues of the Province, including, of course, those derivable from the 14 Geo. 3, c. 88, and by that Act applicable to the support of the Civil Government of the Colony, should be placed under the superintendence and control of the House of Assembly, at the same time declaring that "they (the Committee) were strongly impressed with the advantage of rendering the Governor, the members of the Executive Council, and the judges, independent of the annual votes of the House of Assembly for their respective salaries." The Committee proceed to recommend that a more independent character should be given to the Legislative Councils in both the Canadas; that the judges, with the exception of the chief justice, should be excluded from them; and that all the judges should be excluded from the Executive Council; and they recommend that the Jesuits' estates should be appropriated to purposes of education. They charge the Government with having expended 140,000*l.* without the consent of the representatives of the people; and conclude their Report with a censure upon Lord Dalhousie, the Governor-general, which censure is evidently founded on *ex parte* and (as in other instances) most inaccurate information.

Without discussing the propriety of some of the recommendations of this celebrated document, or even denying that, if carried into effect in particular instances, they might have been

UPPER
CANADA.

No. 30.
Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

been attended with beneficial effects, it is, nevertheless, apparent that every one of them has a strong tendency to strengthen and encourage a democratic policy; and in no single instance can it be discovered that the Committee felt the least solicitude for the preservation of those monarchical principles which constitute so important a feature in the British constitution. Indeed, when your Committee refers to the names of the Members of the House of Commons from whom this Report emanated, and the majority of whom concurred in it (a bare majority, as it is generally believed), they cannot but feel surprised that it did not occur to them, that, unless the Crown retained within its hands the means of sustaining the Government of a Colony independently of the annual vote of the Local Legislature, such Colony became virtually independent; and the surprise is not a little increased, when this salutary power of the Crown was to be surrendered to the Assembly of a conquered Colony, inhabited by people a great majority of whom were of French descent, speaking a foreign language, and governed by laws differing from those of Great Britain.

Whatever opinions may be entertained on these points, it is perfectly certain that with the Report in question commenced that course of policy which has, in no small degree, tended to bring about that lamentable state of internal dissension and revolt which the loyal subjects of Her Majesty now so deeply deplore.

As was to be expected, the recommendations of the Committee of the House of Commons were hailed as a triumph by that party in Lower Canada, who have since too plainly proved their traitorous and disloyal principles; and by them the Report was declared "an imperishable monument of human wisdom and national justice."

The British Parliament and His Majesty's Ministers were led to suppose, that, if the concessions recommended were made, peace and contentment would prevail throughout the country, and that the representatives of the people, gratified to the fullest extent of their wishes, would cheerfully concur in all such measures as were necessary to maintain the Government of the Colony, and perpetuate the connexion with the mother country.

Confiding in these delusive promises, the Colonial Minister began by surrendering up to the control of the House of Assembly the funds out of which the King had hitherto been enabled to pay the Governor, the judges, and other officers, without whose services the Government of the country could not be conducted; and this measure was sanctioned by Parliament, under the vain expectation that the Assembly would honourably redeem the implied pledge that they would themselves make the necessary provision. Such, however, was not, and probably never had been, the intention of the majority of the Assembly. The moment they had attained so important a concession, which rendered the Sovereign a supplicant to the Legislature of one of his colonies, and that a conquered colony, for the means of carrying on his Government within its limits, they felt the advantage they had gained, and they resolved to avail themselves of it.

Uninfluenced by the noble and prompt example of the representatives of the loyal people of Upper Canada, who patriotically and wisely secured the independence of the judges, and the upright discharge of the duties of the Governor, Executive Councillors, and other high officers of the Government, by voting them reasonable and permanent salaries, the Assembly of Lower Canada refused to vote a shilling as a supply for these objects; and the judges and other public functionaries have in consequence, for years past, exhibited the degrading spectacle of being compelled to borrow and incur debt for the ordinary and necessary support of their families.

Notwithstanding this vicious and ungenerous course of conduct, the recommendations of the Committee of the House of Commons continued to be acted upon. The chief justice was removed from the Executive Councils in both Provinces; the judges, by a questionable exercise of the Royal influence, were induced to absent themselves from the Legislative Council in Lower Canada; the Jesuits' estates, the property of the Crown, were generally given up; new Members were added to the Legislative Council to render it more independent, chiefly taken from among that class of persons most distinguished for their opposition to the Government while members of the Lower House; and the noble-minded and patriotic Earl of Dalhousie was recalled.

Having thus gained all the advantages promised by the Report of the Committee of the House of Commons, the Assembly turned their attention to new subjects of complaint, and increased efforts to annihilate British influence. They erected themselves into an inquisitorial tribunal for the trial of such officers of the Government as they desired to deprive of their situations, and succeeded, by a system of attack unheard of in any other British Colony, to induce the King's Government to dismiss from office and remove from various situations several of the oldest, most faithful, and most respectable servants of the Crown; and, to render their eagerness to retard and discountenance the increase of population from the British Isles more apparent and effectual, a capitation tax was imposed on all emigrants from Great Britain and Ireland, and from thence only, on landing at Quebec; and strong efforts were made (hitherto unsuccessful) to induce the Home Government to annul the agreement with the British America Land Company, which had been established for the settlement of emigrants from the United Kingdom, on lands lying waste and useless in the most fertile part of the Province. They exerted themselves to procure the repeal of the Act passed by the Imperial Parliament, authorising persons holding lands under the ancient feudal tenure to change their titles to the British tenure of free and common socage; and, in the most arbitrary and unconstitutional manner, they from time to time expelled members of British descent from their body, and maintained in their seats those of French origin, who had been elected in the most palpably illegal manner. And lastly, the Assembly demanded that the constitution of the Province should be so altered, as to admit of the election of the members of the Legislative Council by the people; and ultimately declared their determination

tion no
demand

Had t
had bee
them),
annihil
this con
likely to

The t
the Colo
to piece
and ad
not to e
the judg
salaries.
Govern
salutary

The l
decided
loyal m
They cu
crushed

Your
the imp
mittee)
were no
subjects
due to t
to deen
citizens

Your
and the
should
of the I
and inte
throwin

The
House
by the
had pre
wishes,

In co
and the
that he
and irre
upon a
a total

The
charact
nity by
was re
maintain

His
in with
commen
tion at
upon h
had sap
ready t

Lord
applau
nistrati
in not
rights
and eff
been es

Godere
some o
time v
officers
ally en
his Lo
them t
cession
plishin
547.

tion no longer to act in concert with the other branches of the Government unless this demand was complied with.

Had this point been conceded, from the facility with which their previous demands had been granted, the Assembly had reasonable grounds to suppose it would be yielded to them, the last vestige of British supremacy would, as a matter of course, have been annihilated. Happily, however, the British Minister did not possess the power of making this concession without the authority of Parliament; and in that august assembly it was not likely to meet with much countenance.

The time, however, had arrived when it was indispensably necessary, either to abandon the Colony to a state of anarchy, or adopt measures to prevent the Government from falling to pieces, and accordingly certain resolutions were proposed by one of the King's Ministers, and adopted by the Lords and Commons of the United Kingdom, containing a timid pledge not to extend the elective principle to the Legislative Council, and proposing the payment of the judges and other public functionaries the arrears of their unjustly and long-withheld salaries. They further proposed certain changes in the system of administering the Government in both Provinces, which the authors doubtless believed would be productive of salutary effects.

The leaders of the revolutionary faction, having thus for the first time met an apparently decided refusal of their demands, determined, in an evil hour to themselves, but, as every loyal man hopes and believes, auspicious to the future welfare of these Provinces, on revolt. They carried their design into execution, were overthrown, and, as we earnestly pray, for ever crushed.

Your Committee believe that the history they have thus given will sufficiently prove that the impelling motive to rebellion, on the part of the Lower Canadians, (as they (the Committee) have asserted in a previous part of this Report, was "hatred to British rule." They were not oppressed; they had never been oppressed, or denied a single right that British subjects could justly claim; they were prosperous, and they might have been happy. It is due to truth further to remark, that disaffection was confined, with exceptions so few as not to deserve notice, to Canadians of French descent; and that it was put down by soldiers and citizens of British and Irish origin, and by them only.

Your Committee would here gladly close their observations on the revolt in Lower Canada, and the causes which led to it; but the due performance of a solemn duty requires that they should not omit notice of the unwise measures that, for a series of years, marked the policy of the British Ministry towards that Colony, and which, in the opinion of almost every honest and intelligent man in these Provinces, greatly encouraged the disaffected in their hope of throwing off British connexion.

The concessions made, in pursuance of the recommendations of the Committee of the House of Commons, have been noticed; and the dismissals from office of persons accused by the popular branch of the Legislature, and against whom the Executive of the Province had preferred no charge, and whose impeachment was known to be in opposition to its wishes, have been already adverted to.

In consequence of the first, the power and efficiency of the Government was destroyed; and the effect of the second was to alarm every public servant, and to cause him to fear that he might be dismissed and dishonoured, through the false representations of malignant and irresponsible accusers. But this was not all; it seemed to be considered necessary, upon almost all occasions, to show a deference to the wishes of the disloyal faction, and a total disregard to the claims and representations of the well affected.

The Earl of Dalhousie, a nobleman peculiarly suited, by his talents and firmness of character, to administer the Government, and endeared to the British portion of the community by his many generous acts and estimable qualities, was recalled at a moment when he was resolutely upholding the constitutional prerogatives of the Crown, and vigorously maintaining the authority of the laws.

His successor, Sir James Kempt, was the first Governor-general who was directed to fall in with the views of the dominant faction, and endeavour to conciliate the disaffected. He commenced his government by thanking the Assembly for, and declaring his high satisfaction at, receiving an address from them, which contained an ungenerous and unjust attack upon his noble predecessor. His administration was, nevertheless, an entire failure; and he had sagacity enough to resign the Government at the moment when men of all parties were ready to condemn his measures.

Lord Aylmer followed; and never did a Governor more assiduously labour to gain the applause of the anti-British party than his Lordship did for the first two years of his administration. No single request was made of him by the Assembly that he did not grant; and, in not a few instances, he yielded to demands that deeply compromised the constitutional rights of the Crown, and the justice due to individuals. He suspended from office the able and efficient Attorney-general of the Province, upon charges the truth of which has never been established (although his dismissal was afterwards, upon other grounds, confirmed by Lord Goderch). He rendered the Legislative Council "more independent," by placing in it some of the most violent and ungenerous opponents of the Government; and, at the very time when the Assembly were factiously withholding from the judges and other public officers of the Crown the salaries and allowances to which they were justly and constitutionally entitled, and for want of which some of them had been reduced to poverty and want, his Lordship advanced them money, without legal authority, from the public funds, to enable them to pension Members of the British Parliament to use their influence in obtaining concessions from the Imperial Government, that would, when granted, assist them in accomplishing their revolutionary designs. At a subsequent session his Lordship had the temerity

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

to ask the Assembly for a Bill indemnifying him for having advanced money in compliance with their Address only, and to protect him from the personal liability he had in consequence incurred; and he declined making any further advance until an Act was passed to that effect. This was deemed a violent breach of the constitutional rights and privileges of the House, and forthwith 92 Resolutions were fulminated, impeaching his Lordship of high crimes and misdemeanors; denouncing the British Government as arbitrary and oppressive; threatening rebellion, and containing matter altogether so grossly treasonable and seditious, that every subject of the Crown, who respected the ancient institutions of the realm, and desired to see the constitution of the country maintained, was led to expect that, if the authors were not otherwise punished, dissolution of the Assembly would take place, if for no other reason than to prove that the King's Government was sensible of the indignity that had been offered it. Far different, however, was the result. His Lordship was recalled from his Government; and the author of the Resolutions referred to was elevated by his successor to a seat on the bench of the Superior Court of the Province.

Lord Gosford's administration now commenced, and with him were associated two gentlemen as commissioners, appointed to inquire into, and report upon, the state of the Province, and the grievances under which its inhabitants were reputed to be suffering. His Lordship's instructions were, to adopt the most conciliatory policy towards the people of the country; this was done by showing open favour and partiality to the known leaders of disaffection, such as the promotion of Mr. Bedard (above alluded to) to the Bench, and of Mr. Debarthez to the Executive Council, and manifesting a distrust and want of confidence in those who, in the day of peril, have cast aside the recollection of their wrongs, have rushed to the support of their Sovereign, and have proved that, in the hour of need, to them only can Her Majesty look for the preservation of this portion of Her dominions, as an appendage of Her Crown. The first act of the Assembly, upon being called together by Lord Gosford, was to offer an insult to our late gracious and good King, by denying his right to appoint Commissioners to inquire into the state of affairs in the Province (one of his conquered colonies), and contemptuously rejecting an Act which was designed and intended for its especial benefit. Notwithstanding this (and without requiring any bill of indemnity for Lord Aylmer), the new Governor-general, in obedience to his instructions, and in pursuance of his conciliatory policy, "cheerfully" advanced upwards of 20,000 *l.* of the public revenues, on the sole address of the Assembly, and in defiance of the solemn protest of the Legislative Council, to enable the former body to pay the arrears of salary due to Mr. Roebuck, of the Imperial Parliament, and to continue his allowance as an agent, and to reward his exertions in forwarding their revolutionary designs. Having been thus far triumphant in all their conduct with the Governors of the Colony, and having been led to believe, that they would ultimately succeed in their attempt to coerce the Home Government into granting the next great object for which they were contending, viz., the subjection of the Legislative Council to the popular will, controlled as the latter was by the same influence that had rendered the Assembly a mere revolutionary club, they declared, as has been already stated, that they would proceed no further with public business until this demand was complied with.

Your Committee will here close their observations on the political history of Lower Canada, as distinct from that of the Upper Province, and will now offer some few remarks on the progress of the latter to that state of prosperity and contentment in which it was peacefully reposing, and which it would have continued to enjoy, but for the unnatural and wicked revolt that broke out in Lower Canada, proceeding, as it did, from causes that your Committee have detailed.

The advancement of Upper Canada, in population and wealth, from the time of the division of the Province of Quebec into Upper and Lower Canada, in 1791, has already been alluded to; and it is, perhaps, not too much to say, that from that time to the present, no country in the world, has presented a more industriously disposed, or devotedly loyal people, than were to be found within its limits.

It is of course true, that in the excitement incident to all conflicts of domestic political parties, disagreements have occurred in the House of Assembly, and among the electors and people generally, that have led to references to the Home Government for the redress of alleged wrongs, and which have been seized upon by the adverse parties as grounds for imputing to the people general discontent and dissatisfaction with their Government. It would probably be sufficient evidence of the want of just grounds for any such statement, to refer to the history of past Houses of Assembly, and the result of the different appeals that have been made to the people at general elections. This would show that, since the time our first Governor, General Simcoe, entered upon the administration of the Government of the Province in 1792, to the present time, a period of 45 years, there have been but two Houses of Assembly returned, who can be said to have taken a course hostile to the views of the Government, each of which was succeeded by the election of a large majority of representatives of a different political character; and on only one occasion has there been a dissolution on account of differences with the local administration. In truth, the people are intelligent as well as patriotic; and when left to themselves in the free exercise of their constitutional rights, they have ever proved themselves able to apply the necessary remedy to any attempt to oppress or mislead them.

With respect to the loyalty of the inhabitants of Upper Canada, your Committee will not insult the noble pride and exalted patriotism of their fellow-subjects, by any sentence or word that could imply, in the most distant degree, that there was a necessity for defending it: they point to their descent; they point to their deeds in a former war, and they point to their attitude and bearing at this moment of threatened invasion and revolt, and they bid their calumniators, be they in the British senate or elsewhere, to point out the stain or reproach

reproach
their coun-
traitorous
plishing to
army in
garrison of
of the Bri-
the specta-
should be
and perpe-

It, how-
plaint aga-
otherwise.
Canada,
Colony.
prises this
Lawrence
so long ex-
Britain a-
mother co-
contentnan-
and earn-
British Go-
with accu-

In our
rased at
Secretary
racter. A
bank char-
in legislat-
sions with
they had
reign. T
particular
part of th-

The ap-
sor of Sir
James Ke-
of the Br-
measures
Sir John
the Colon-
were und-
this His
did their
sought to
strengthen
cient ass-
deprived
long enjo-
them.

His Ex-
cious; he
he was ap-
cians, sel-
he was th-

Owing
containing
industrious
gation of
Lieutenan-
tions to
street by
the Assen-

The co-
dence ap-
Sir John,
England
this vene-
and a bo-
is identifi-
ment, and
panied by

This w-
and loyal
367.

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3. in No. 30.

reproach that rest upon their fair fame, as "loyal men and true" to their Sovereign and their country. If in truth they desired to release themselves from their allegiance; by traitorously conspiring against the authority of their Queen, what prevents their accomplishing their wishes? It is not many days since there were not 60 soldiers of the regular army in the Province, and even now, when the usual military force has returned to our garrisons, there is no man who will not admit, that the question of remaining a dependency of the British Crown rests entirely with ourselves. That question has been answered; and the sincerity of the reply has been proved by more than 20,000 men, eagerly striving who should be foremost in taking up arms, and hazarding their lives and fortunes to maintain and perpetuate our connexion with our glorious parent state.

It, however, must not be supposed that Upper Canadians are without their causes of complaint against the Imperial Government. The fact, your Committee lament to say, is far otherwise. They have felt, in common with their fellow-subjects of British origin in Lower Canada, the blighting effect of the erroneous policy pursued with respect to the latter Colony. The consequences of it have been, to render nugatory some of the great enterprises this Province has engaged in, to improve its navigation (especially that of the Saint Lawrence), to extend its commerce and increase its revenue. The disensions that have so long existed there, have alarmed and prevented thousands of our fellow-subjects in Great Britain and Ireland from coming and settling among us; and our intercourse with the mother country has been interrupted and obstructed by oppressive and unjust legislation, countenanced in some instances by Ministers of the Crown. These evils have been frequently and earnestly represented; but although the remedy has always been in the hands of the British Government, it has never been applied, and we are now left to suffer under them with accumulated force.

In our own more immediate and local concerns, we have at times been alarmed and embarrassed at the apparent influence gained by the enemies of British connexion with the Colonial Secretary of State, and the interference which followed in matters of a purely local character. Among the number of these may be mentioned, the threatened disallowance of our bank charters, after those institutions had been for some time in full operation; interference in legislative proceedings, relating exclusively to questions of privilege; and frequent collisions with our Governors, the moment they manifested a preference for that class of persons they had learned to regard as best entitled to the confidence and protection of their Sovereign. To this last ground of complaint, your Committee feel it a painful duty to draw the particular attention of your Honourable House, and with their remarks upon it, to close this part of their Report.

The appointment of Sir John Colborne to the government of this Province, as the successor of Sir Peregrine Maitland, was simultaneous, or nearly so, with the appointment of Sir James Kempt to the Government of Lower Canada; and there is no doubt that the design of the British Ministry was to infuse a larger share of "liberal policy" and "conciliatory measures" into the administration of public affairs, than it was supposed previously existed. Sir John accordingly kept aloof for a time from the old and tried servants of the Crown in the Colony, and manifested a disposition to conciliate the good will and support of those who were understood to be opposed to the past administration of Sir Peregrine Maitland. In this His Excellency met with no embarrassment from any one; the officers of Government did their duty cheerfully and steadily; they never intruded themselves upon his notice, or sought to embarrass him in the attempt he was making to reclaim the disaffected, or to strengthen the loyalty of the wavering; he conferred offices, in a few instances, without sufficient assurance that they were deservedly bestowed, and to a more serious extent he deprived some of the best men of the Colony of emoluments and appointments they had long enjoyed, and to the continuance of which their merits and long services amply entitled them.

His Excellency, however, soon found that measures of this kind were not the most judicious; he discovered that he might make enemies, but that he was not likely to gain friends; he was speedily convinced that the designs of the majority of the turbulent and noisy politicians, self-styled reformers, who sought his confidence, aimed at revolution, not reform; and he was therefore compelled to withhold from them any further marks of his favour.

Owing to causes of an accidental and local character, a House of Assembly was returned, containing a majority of 11 opposed to his administration. The leaders of this majority industriously applied themselves to the investigation of supposed grievances, and the promulgation of reports from select committees, calculated to inflame the public mind against the Lieutenant-governor and other officers of the Local Government, and by false representations to render the people discontented; these were in some instances sent to Downing-street by order of the House, at other times by individual members, without the sanction of the Assembly.

The consequence, as is now generally understood, was, that an ungracious correspondence sprang up between his Excellency and the Colonial Secretary of State, so offensive to Sir John, that he was induced to tender his resignation, which, however, did not reach England before his recall had been determined upon, and in the depth of a Canadian winter, this venerable and gallant soldier, with a constitution impaired in the service of his country, and a body mutilated by wounds received in many a victorious field of battle, whose name is identified with the glory of his country, felt himself obliged to leave the seat of Government, and repair to the Lower Province, exposed to the inclemency of the weather, accompanied by his numerous and amiable family.

This was a scene that awakened the sympathy and aroused the indignation of the generous and loyal people of the Province. At every town and village on his route of 300 miles, he

UPPER
CANADA.

No. 30.

Sir J. B. Head to
Lord Glenelg,
17 March 1838.

Encl 3, in No. 30.

was met by addresses expressive of the respect and regard in which he was held as a man and as a Governor; and throughout his whole journey, the people turned out in their sleighs and carriages, and with acclamations accompanied and cheered him on his way.

The departure of Sir John Colborne infused new life and vigour into the faction that had accidentally acquired a temporary ascendancy in the Assembly. Always ignorant of the true feelings and character of the great body of the people, the leaders of this party determined on making a display of their fancied political power, and, if possible, establish their ascendancy in the councils of the Province; and thus they believed they could the more easily accomplish, as it was reported that the new Governor was a "tried reformer."

Upon assuming the administration, it was generally understood that Sir Francis Head was instructed to pursue a policy far more liberal than that of his predecessor, and the apprehensions entertained, that measures might be too hastily taken, by which the country would be involved in lasting dissensions, were greatly increased by the appointment of Dr. Rolph and Mr. Robert Baldwin to be members of the Executive Council; and to prove how well founded were these fears, it is sufficient to state, that the first-named individual has since fled the country to escape the penalties of treason; and the latter, long his most intimate political associate, has professedly withdrawn himself from all interference in public affairs.

Rumours of other appointments, equally distasteful to the loyal subjects of his Majesty, were at the same time in circulation. Happily, however, before they could be made, if they were ever intended, events occurred that saved this Province from evils that must inevitably have led, and that within a short period, to the entire destruction of the authority of the Crown, and a speedy separation from the parent state.

No sooner had Mr. Rolph and Mr. Baldwin (with whom also was associated Mr. Dunn, the Receiver-general,) taken their seats at the council board, than they proposed, and had sufficient influence to induce the other members to agree to the proposal, that they should henceforth, in effect, be accountable to the people, and not to the Crown, for their acts; that is, that they should remain in office so long as a majority of the Assembly approved of their conduct, and no longer; and that when the Lieutenant-governor acted in opposition to their advice, they should be at liberty to make the circumstance publicly known. This proposition, so contrary to all colonial usage, and destructive of the constitutional authority of the Sovereign, by rendering every department of the Government dependent on the democratic branch of the Legislature, at once convinced the Lieutenant-governor of the real character of the men he had, with an honest desire to reconcile conflicting parties, admitted to his confidence, and the extremely delicate and somewhat dangerous position in which he stood. Happily for this Province, his Excellency possessed a vigorous, active, and intelligent mind, and was prompt and resolute in acting upon its suggestions.

He addressed the Council in terms of mild, but firm remonstrance; he pointed out with ability and clearness the error of their opinions, and the danger that would result from their adoption; and, in conclusion, candidly stated that, unless they were abandoned, his confidence in them must cease. The Council adhered to their opinions, and resigned their office.

As was to be expected, the party in the House of Assembly, whose hopes of establishing their political power were thus suddenly frustrated, became, in the highest degree, exasperated; and after adopting several resolutions and addresses, in the hope of regaining the power which the unwise and hasty conduct of their leaders had lost to them, they appointed a Select Committee, composed exclusively of members of their own political opinions, with authority to send for persons and papers, and to report the result of their inquiries.

The Report made by this Committee was brought up towards the close of the session: it is a document too voluminous to admit of a detailed examination in this place, even if it were desirable to do so; it is enough to say that, in addition to its containing the most offensive and insulting language towards the representative of their Sovereign, who had been but a very few weeks in the Province, and of whose general character and sentiments they could scarcely have any knowledge, its authors contemptuously rejected the offer that had been made, to submit the question in dispute to the King. They, in effect, insisted that the construction of the constitution rested exclusively with them, and that whatever might be the decision of the House of Assembly, all other branches of the Government must be bound by it; and they demanded adherence to a course of policy on the part of the executive, which, if granted, it was manifest to every reflecting man, would utterly destroy the authority of the Crown, and would subject the people to the government of the capricious and ever-varying opinions of the party that might chance to have the ascendancy in the House of Assembly; and lastly, it recommended, and the House resolved, that until the concessions demanded were made to them, they would grant no supply for the support of the Government; and the session accordingly closed without any provision having been made for the public service.

At no period since the formation of the Government of the Province, had so distinct and open a disagreement occurred between the Executive and the House of Assembly. The questions involved were of vital consequence to the future peace, welfare, and good government of the country; and at the same time they were capable of being plainly stated, and clearly understood. They were argued and discussed at public meetings and in private circles. Misrepresentation and abuse of the public authorities, and of the Lieutenant-governor in particular, were the weapons used by the advocates of the majority of the House of Assembly; truth and reason were opposed to them; the latter were listened to, and fully comprehended by a loyal and intelligent people, and the result was, an almost universal demand for the dismissal of men who had betrayed their confidence, and, under the veil of patriotism, had endeavoured to destroy the constitution they so highly prized. They became convinced

convinced
be subject
the parent

The p
ceedings
terms ap
erence
determin
for his re
Assembly
ment men
derance c

The ov
constitut
dually to
were dec
interfere
patents f
one of th
who had
false ass
sented b
occasion

A copy
for the C
ing it him
tigate the
of the m
the petit
was info
in their
he left th
one of his

The C
them all
them as
disclaim
dence, o

The C
sons of
mentary
document
Province
vindicate
ner, and
enced in
other im

This a
to attempt
probabil
of stern
had vani
disgrace
constitut
him, or
would be
and were
in Lower
attempt

During
loyalty
any atten
the Fore
the troop

Lower P
according
that plac
tion, T
adequate
applied f

It is n
in both
hasten th
other mi
jects in

convinced that, if those persons succeeded in their political views, the country would soon be subject to the tyranny of an irresponsible faction, and that the cherished connexion with the parent state must, ere long, be dissolved.

The petitions that were addressed to the Lieutenant-governor, condemnatory of the proceedings of the House of Assembly, and demanding its dissolution, and in the strongest terms approving of the firm and uncompromising course pursued by the Lieutenant-governor, evinced the most unequivocal attachment to the constitution as by law established, the determination of the people to maintain it inviolate, and their gratitude to Sir Francis Head for his resistance of the attempts that had been made to subvert it. The dissolution of the Assembly, and the general election that followed it, resulted in the rejection of every prominent member of the majority of the last house, and the return of an overwhelming preponderance of those of an opposite political character.

The overthrow of the party, instead of being silently and respectfully submitted to, as the constitutional decision of the electors, served but to exasperate them, and to lead them gradually to the open avowal of their traitorous designs. It was asserted, that the elections were decided by bribery, corruption, intimidation, and riot; and by the unconstitutional interference of the Governor in creating a vast number of votes, by the unlawful issue of patents for lands to persons who were not entitled to them; and a Dr. Charles Duncombe, one of the persons who belonged to the party composing the majority of the last House, and who had been re-elected to the present, had the singular audacity to embody these utterly false assertions in a Petition addressed to the House of Commons, which Petition was presented by Mr. Joseph Hume, then one of the Members for Middlesex, and the (upon all occasions) chosen mouthpiece of the traitors of this Province.

A copy of this Petition, as an act of justice, was transmitted by the Secretary of State for the Colonies, to the Lieutenant-governor, for his remarks. His Excellency, before noticing it himself, transmitted it to the House of Assembly, as the body best qualified to investigate the charges contained in it. The Select Committee to whom it was referred, composed of the most independent members of all parties, entered upon the inquiry, and as soon as the petitioner, Dr. Duncombe, took his seat, he was called upon to establish his charges, and was informed of the readiness of the Committee to hear any evidence he might have to offer in their support. So far from doing this, and well knowing the untruth of his statements, he left the House on some idle pretence, and never made the least attempt to establish any one of his assertions.

The Committee, however, were not content to leave the matter there; they called before them all the leading members of the party to which the petitioner belonged, and questioned them as to their knowledge of the truth of the charges made by him. Most of these persons disclaimed all connexion with Dr. Duncombe, and not one of them offered the slightest evidence, or intimated that he could give any in support of his allegations.

The Committee then proceeded to a more conclusive step, and calling before them persons of the highest character for truth and honour, and requiring the production of documentary evidence, the most conclusive in its nature, every statement contained in the document referred to them was, to the entire satisfaction of every honourable man in the Province, completely disproved. Their Report, drawn up at the conclusion of their labours, vindicates the conduct of the Lieutenant-governor in the most ample and satisfactory manner, and rescues the loyal electors of the Province from the calumny of having been influenced in the exercise of their elective franchise, by bribery, corruption, intimidation, or any other improper means.

This additional defeat of the revolutionary faction, had the effect of urging them forward to attempt the attainment of their traitorous designs by violence, earlier than, otherwise, in all probability would have been the case. They saw that the great majority of the people were of stern and incorruptible loyalty; their hopes of countenance from their representatives had vanished; their attempts to mislead the British Parliament had resulted in their own disgrace, and the Province was governed by a man who, guided by the principles of the constitution, firmly resolved to do his duty, and they saw that all their efforts to intimidate him, or to draw him aside from the resolution he had formed, to concede nothing to faction, would be fruitless. Meetings were consequently called by the chief agitator, Mr. Mackenzie, and were attended by some few scores of deluded men, at which the treason in progress in Lower Canada was applauded, and secret measures were taken to assist them in their attempt at revolution.

During these proceedings Sir Francis Head reposed in perfect confidence in the tried loyalty of the great body of the people, whose Governor he was, to check and overthrow any attempt that might be made to subvert the Government, and when the Commander of the Forces, Lieutenant-general Sir John Colborne, desired to be informed what number of the troops could be spared from Upper Canada, to assist in putting down rebellion in the Lower Province, Sir Francis Head promptly and unhesitatingly replied, "All." They were accordingly marched to Montreal, and soon after the revolt broke out in the vicinity of that place, and, for a time, fears were entertained that the struggle would be of long duration. The number of troops in the country, it was apprehended, was too small to afford adequate protection to all parts of the Province, and Sir John Colborne, in consequence, applied for additional assistance from the militia of Upper Canada.

It is now well known that a correspondence was kept up between the leaders of rebellion in both Provinces, and it is not improbable that those in Upper Canada were induced to hasten their meditated revolt, with a view of preventing any of the gallant highlanders and other militia of the eastern districts being sent to the assistance of their loyal fellow-subjects in Lower Canada.

No. 30.
Sir I. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

CORRESPONDENCE RELATIVE TO THE

It was supposed, by the traitors, that nothing could withstand the rebels there; and if they were successful, it was assumed that, as a matter of course, Upper Canada must yield also. Far otherwise, we are now warranted in saying, would have been the fact.

Our patriotic Lieutenant-governor had not miscalculated the loyal feeling of the inhabitants of Upper Canada; his administration had confirmed them in the belief that they would be protected by the British Government. He had by a generous and well-placed confidence awakened their pride and excited the noble feeling of devoted patriotism. At his call they thronged in thousands to the seat of government, to repel the attack of rebellious and unnatural traitors, and tens of thousands would in like manner have marched at his command to protect and maintain the authority of their Sovereign in the Lower Province. To his policy and adherence to the principles of the constitution in the administration of the government, this deeply affecting and gratifying exhibition of enthusiastic loyalty is to be ascribed; no other policy than his, and few other men than Sir Francis Head, could have called it forth.

The rebellion in Lower Canada was put down by the gallant soldiers and loyal British subjects of Her Majesty, not, however, without a fearful sacrifice of human life and vast destruction of property. In Upper Canada it may be said to have been put an end to by the indignant frown of an insulted people. Hundreds of the repentant offenders have been forgiven by the man who, in the exercise of the Royal clemency, with which he was intrusted, was empowered to extend pardon to them; thus proving, in a manner the most grateful to his own generous nature, that he was not the tyrant they had been induced to believe him to be. Others, more guilty, await that justice which the laws they would have overthrown may award them; and the leaders, including Rolph, Duncombe, and Mackenzie, the lauded and cherished patriots of Mr. Joseph Hume, have fled their country, and have found an asylum in the United States, among the robbers, murderers, pirates, and traitors, who, in that republic, bid open defiance to law, and are avowedly protected in their crimes by the sovereign will of the people.

This short and necessarily condensed view of the causes and termination of the recent insurrection in Upper Canada, has been introduced by your Committee for the purpose of showing, by incontrovertible facts, the estimation in which his Excellency, the Lieutenant-governor, is held by the people, and the confidence entertained in his administration of the Government. Notwithstanding this, however, it appears that his Excellency's policy has not harmonised with that of his official superiors, and, as in the case of his predecessor, he has resigned his office. In replying to the announcement of this most unexpected event, your Honourable House truly stated, "That this House and the people of this Province will regard your Excellency's relinquishment of its government as a calamity of the most serious nature, and which may result in difficulties and dissensions that cannot be easily repaired or reconciled. We, however, are fully persuaded that the blame cannot rest with your Excellency; and while we sincerely and most willingly acknowledge the zeal, ability, justice, and honourable disinterestedness, with which you have conducted the government of this Province during your short but eventful and arduous administration of its affairs, we beg respectfully and affectionately to express, on behalf of this Province, our earnest hope that your Excellency's prosperity in future life may be commensurate with the claims, deep and lasting as they are, upon our gratitude, the approbation of our gracious Queen, and the applause and acknowledgment of the British nation."

His Excellency, it appears, does not feel himself at liberty to disclose the causes which have led to his resignation of the government, and therefore your Committee is precluded from making distinct remark upon them; but, if it be true, as has been rumoured, that those differences of opinion consist in an unwillingness or refusal on his part to employ the patronage of the Crown, in the vain attempt to conciliate the disaffected, and thus to outrage the feelings of the unquestionably faithful subjects of our Sovereign, his conduct vastly increases his claims upon the gratitude of the people of this Province, and renders it a solemn duty on their part, as far as they have the power, to vindicate and uphold him in the good opinion of Her Majesty and our fellow-subjects of the United Kingdom.

Your Committee feel that your Honourable House would not advance the interests of our country, or act in accordance with the opinions and wishes of the loyal inhabitants of this Province, were you to adopt a factious opposition, or manifest an unbecoming distrust in the justice of the councils by which the interest of the great nation to which we belong is governed; but it would not be in accordance with the dictates of truth or patriotism, were your Honourable House to forbear honestly and firmly, but most humbly and respectfully to declare to our revered Sovereign, that Her Majesty's devoted subjects here look for some better proof that their allegiance is desired, and that their just claims for protection are respected, than is evinced by, at any time, or under any circumstances, yielding to the enemies of our peace, countenance or support.

Such a course of policy, too long pursued in the sister Province, has been productive of the most baneful effects, in encouraging the mercenary demagogue to pursue his noisy and dishonest course of sedition in the hope of being bribed to silence, and by disheartening the loyal and the honourable, who cannot help feeling that they have been ungenerously treated, when they see the power of a party increased, whose ultimate aim they have the best assurance for believing is their destruction.

In advancing these opinions, your Committee are far from desiring to be understood that they are opposed to a course of policy founded on conciliation, provided it have for its object the dispensing of equal justice to all classes of Her Majesty's subjects. Guided by such motives, those intrusted with the administration of public affairs having first determined to adhere with unwavering resolution to the plain terms of the constitution, will take care never to do wrong for the mere purpose of appeasing clamour, or in the hope that a party fac-

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

tiously bent on obtaining unreasonable and unjust concessions, may be appeased by granting that to which neither reason nor justice give them any claim. Your Committee believe that the history of every country and nation whose government has for any length of time proceeded on such a system proves that it has in the end fallen into anarchy and ruin.

Your Committee have nothing to add to what they have already set forth in this Report, to prove the application of the opinions just expressed to the policy pursued in these Provinces.

In Lower Canada a people nurtured in hostility to British laws have long been indulged in their unreasonable, and not unfrequently unconstitutional demands, to the great and manifest injustice of a numerous and loyal class of their fellow-subjects; and, in the vain hope of conciliating them, concessions have been made from time to time alike unwise in policy and unjust in principle. And what has been the result? General dissatisfaction, insurrection, and rebellion, against their benefactor.

On the other hand, look to Upper Canada; in two years from the time that the people were told that the constitution was to be the sole rule of government, and that undoubted loyalty and general merit was to be the only passport to the favour and patronage of the Crown, the whole country became united, and as one man the inhabitants declared their determination to uphold their institutions, and prove their devotion to their Sovereign.

Your Committee can only join with their fellow-subjects in the expression of their earnest hope that this noble feeling may never be damped or destroyed by want of wisdom or firmness on the part of those who may be henceforth appointed to rule over them.

Proceeding now to the second point of their inquiry, namely, "the evils that have resulted from the recent rebellion," your Committee will limit their observations to as small a compass as the painful nature of the subject will admit.

Of all the calamities which can visit man, a civil war is assuredly the most to be deplored, and the horrors that usually attend it are most repulsive to a humane mind; and it may be even said, with much appearance of truth, that little value can be attached to human existence in a country visited by such a calamity. That this greatest of miseries has fallen upon these Provinces through the wickedness of its own inhabitants, it would be criminal as well as vain to deny. Living in the positive and undeniable enjoyment of every blessing that reasonable men could desire, they have appeared in arms against the lawful authority of their Sovereign, and have endeavoured to attain their evil purposes by the destruction of the lives and properties of their peaceable and unoffending neighbours. The injury which this unnatural state of things attaches to the character of those who were engaged in it, in a moral point of view is most afflicting; it marks them as a people not only forgetful of their duty to their Queen, but ungrateful to Providence for the innumerable blessings extended to them by Divine favour, nor can these Provinces hope to escape from the fatal consequences of the offences of its people, but through His Almighty protection and merciful forgiveness.

In a more worldly point of view, we see the tide of prosperity upon which the country was borne, and rapidly advancing to wealth and power, suddenly and fatally checked, and made to flow back from us. Our fellow-subjects in the United Kingdom, who have hitherto directed their attention to the Canadas as to a country in which, retaining their allegiance to and living under the protection of their natural Sovereign, they might establish themselves and their families in security and peace, it is to be feared will now look to other countries, as offering a more fit residence for loyal British subjects.

Our trade and commerce, heretofore increasing and affording channels for the accumulation of wealth and independence, will, without doubt, decrease, and, for a time, at least, be left to languish and decay. Our revenues, the source of our means (especially in this Province) for proceeding with those vast improvements which, in a few years more of uninterrupted prosperity, would have connected the seaports in every quarter of the globe with Lake Superior, by a canal capable of floating vessels that navigate the Atlantic, will be reduced and rendered altogether inadequate to the great purposes for which they are required; and, in short, a country marked by the hand of nature with the means of advancing in wealth and power beyond any other on earth, is in danger of being stayed in its career of greatness, until the stain that now rests upon its character is effaced, and a remedy is found for the evils under which it is suffering. In what manner this all-important object can be best accomplished, and the prosperity of these noble Provinces be once more restored to its wonted channels, is the next great object of inquiry to which your Committee will direct their attention.

It is believed that it will be admitted by all dispassionate observers, that the representative form of government, as established in Lower Canada, has proved utterly unsuited to the majority of its inhabitants, and that without some change in the existing constitution, it will be impossible to conduct the government there with efficiency or satisfaction to any party. They are further of opinion, that the interests of Upper Canada imperatively require that an efficient government should be established in Lower Canada; and that it is indispensable to the prosecution of the trade and the general advancement of the prosperity of this Province, that under any circumstances it should have the independent control of one of the seaports in the St. Lawrence, and that this control cannot be refused without the denial of a manifest natural right.

Of the numerous projects that have been from time to time suggested for the better government of these Colonies, your Committee will now proceed to notice the most prominent, and such as seem deserving of serious consideration; premising that they pass over any critical examination of the Resolutions adopted by the British Parliament during its last session as not likely to be again seriously entertained. They are clearly liable to two decided objections: 1st. They contain a violent infringement of the existing constitution, for the attainment

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

attainment of a present purpose only; and, 2d. They are without the merit of containing any final settlement of existing difficulties or protection from the evil consequences of future dissensions and disagreements.

1st. The first project deserving of notice is the repeal of the Constitutional Act, 31 Geo. 3, so far as the same relates to Lower Canada, and (with some slight variation as regards the imposition of duties and intercourse with Upper Canada) a return to the provisions to the Act 14 Geo. 3, c. 83.

The objections that the inhabitants of Lower Canada, of French origin, might raise to this change in their form of government, ought not to be considered of very great weight. In the first place, it is well known that they violently opposed the introduction of the representative system at the time it was adopted, as being unsuited to their habits and opinions; in the same manner, and probably for the same reasons, that they now oppose the introduction of free and common socage, instead of the feudal tenure; and, secondly, because they have abused this invaluable privilege of British subjects, and have employed the power it gave them to bring about revolt, and the entire overthrow of the Government.

If, however, our fellow-subjects of British descent should seriously oppose themselves to this change, the question would then be whether such modifications might not be introduced into the measure as would gain their acquiescence. Your Committee venture to suggest the following: Let the number of legislative councillors be considerably increased beyond the number authorized by the 14th Geo. 3; let these be taken in equal numbers from the inhabitants of British and Irish, and of French descent; and let the English language be the only language used in legal and legislative proceedings.

In connexion with this measure, let the boundary line between Upper and Lower Canada be so altered as to give to the Upper Province all the territory lying on the south-west side of the River Ottawa, and of the Chambly Canal, including the Island of Montreal; all of which should be governed according to the constitution now existing.

2d. The next project deserving notice is one of a more important and complex character; viz. a legislative union of all the North American colonies. Your Committee see much in this measure to recommend it to favourable notice, as one of the most important advantages that would immediately result from it is the establishment of British ascendancy, without any change in the principles of the existing constitution.

There can be no reason now for feeling any delicacy or hesitation in speaking of visible and admitted facts, however ungracious or impolitic it might be to do so under different circumstances. The Canadians of French descent in Lower Canada are not loyal. The inhabitants of all the other North American Colonies are loyal; as are also those of British descent in Lower Canada; and they are so, not merely from the abstract sentiment of loyalty or from interest, but because they glory in being British subjects; they feel that the safety and security of their lives and liberties depend on their repelling the encroachments of democracy, which they detest; and because they see and feel the superiority they have over the neighbouring republic in being governed by British laws; and they are convinced that the stability of their institutions can be best secured by maintaining the connexion with the mother country.

If, then, the whole of these Colonies were so far united as to be represented in one Legislature, they would be enabled so to increase and distribute their resources for the benefit of all, that the abundance and facilities of national wealth would lead to and advance their common interest, and place them at once on a level with many powerful nations; their attitude also would be such as to constitute a salutary check on that system of self-government which, placed in the hands of an irresponsible multitude, who disclaim obedience to any law that opposes their will, is now threatening in this western hemisphere to overthrow all those barriers that have hitherto been regarded as necessary to the security of life, property, and that freedom which can only be called "glorious when restrained by law."

If this measure should be considered as the one to be preferred for a final settlement of the government of these extensive Colonies, the Imperial Parliament (through whose interposition alone it can be effected) should have its attention drawn to the necessity of considering whether it would not be desirable to continue the provincial assemblies, with powers limited to the adoption of laws for their local and domestic government, separate from questions of trade and commerce, and such matters as must necessarily affect the interest of all the Colonies. Your Committee can only say, that they entertain a decided feeling in favour of retaining the local assemblies, and they urgently recommend the expression of a similar opinion on the part of your Honourable House.

In connexion with this point of inquiry, your Committee are strongly impressed with the conviction that no act of our beloved Queen would give to her loyal and devoted subjects in this remote part of her dominions, more grateful evidence of Her Majesty's desire to perpetuate the allegiance, than incorporating in Her Royal title the distinct claim of sovereignty over these Her Majesty's extensive and valuable possessions. Such an act would, your Committee firmly believe, have a powerful moral effect throughout this Continent, and serve more plainly and distinctly to draw the line between those sound, substantial, and we trust enduring principles of monarchy which may well boast their pre-eminence over the hollow and ever-varying fancies that spring from a democracy that is controlled by the un-English, unmanly, immoral, and degrading system of vote by ballot, and the pernicious influence of universal suffrage.

Your Committee will dismiss this part of the subject with this one other recommendation; viz. that the title of the person who may henceforth be appointed to the government of these Colonies should be that, of "Viceroy," and that, combined with integrity and talent, such as will at once command confidence and respect, he should always be possessed

of high
the king
unworth

ad. Y
and Lo
regard
relieve
of the d
their un
that off
embarr
we feel
in Low
one step
Crown

If, ho
mately
in both
by this

In wh
any pos
sion of
restrain
their tit
land and
also be
this Pro

Your
the mea
religion
may be
British
Lower

Your
the uni
with so
and int
found to

4th.
the ann
enumer
as they

With
fairly as
of the E
independ
the caus
mischie
the divi
the feel
provisio
of both
revenue
ments th

The
requires
ness. I
within t
number
in a lik
it alread
exagger
supplied
sea, 800
tute the
imported
Colonies

This s
your Co
rules, of
trolled b
plain.
regulatio
raised th
flour, p
537.

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

of high rank and distinction as a public man. There was a time when the Royal Dukes of the kingdom did not consider the appointment of Captain-general of British North America unworthy their acceptance; it should be made the object of their ambition now.

3d. Your Committee next proceed to the question of a union of the Provinces of Upper and Lower Canada. Were it not that the inhabitants of Lower Canada, of British origin, regard this project with much favour, and appear to consider it as the best measure for relieving them from the oppression under which they have long suffered from the conduct of the dominant faction in their House of Assembly, your Committee would at once declare their unqualified dissent, but we feel bound not to overlook or treat lightly any suggestion that offers a reasonable hope of relieving our loyal fellow-subjects from their political embarrassments, which now, more than ever, claim our sympathy and consideration. Indeed we feel that unless a change takes place in the constitution and system of government in Lower Canada, it is next to impossible that either that Province or this can advance one step in improvement, and that those who desire to continue to live under the British Crown will be driven to seek some other place of residence.

If, however, the union should be that measure which the Imperial Parliament may ultimately determine upon, care must be taken that British ascendancy is securely established in both branches of the Legislature; upon no other terms can the measure be sanctioned by this Province; and this should be most clearly and positively stated to Her Majesty.

In what manner this ascendancy can be secured, your Committee abstain from offering any positive opinion. A variety of modes, however, may be suggested, founded on a division of territory, and the tenure by which lands are held in the two Provinces, and by restraining freeholders in Lower Canada, holding lands by conveyance, from voting until their titles are registered, as in the Upper Province. The introduction of the laws of England and the use of the English language in legislative and judicial proceedings should also be insisted upon; and, lastly, it should be stipulated, as a *sine qua non*, on the part of this Province, that the place selected for the seat of government should be within its limits.

Your Committee are sensible that there are many serious difficulties in the way of carrying the measures of the union into effect, in a satisfactory manner, arising from difference of religion, laws, language, and general habits, in the two Provinces; but they believe these may be overcome, and general satisfaction in the end attained, by rendering them truly British Colonies, by the gradual influences of the changes necessary in the institutions of Lower Canada, and the more general diffusion of education among the inhabitants.

Your Committee, in justice to their fellow-subjects in the Lower Province, who advocate the union, annex their petition, addressed to your Honourable House, on the subject, together with some other documents proceeding from a body of individuals of great respectability and intelligence, which they deem worthy of attentive consideration, and which will be found to supply various arguments in favour of the measure.

4th. The next measure which your Committee consider it necessary to remark upon, is the annexation of the Island of Montreal to Upper Canada, which, though last in their enumeration, they regard, as far the most to be desired for the interest of this Province, and, as they believe, for the benefit of the great body of the people in both Colonies.

With respect to the claim of right on the part of Upper Canada to a seaport, it may be fairly asserted that no single argument or just reason can be urged against it. The division of the Provinces of Upper and Lower Canada in 1791, which left this Province without an independent outlet to the ocean, was unquestionably a great political error, and has been the cause of difficulties and dissensions between the two Colonies that have led to much mischief and even estrangement, that would not otherwise have happened. The motive for the division, as has been stated in a preceding part of this Report, was a generous regard for the feelings and prejudices of the inhabitants of Lower Canada, and it is probable, that as provision had been made for the ultimate payment of the expenses of the Civil Government of both Provinces, by the duties imposed by the Act 14 Geo. 3, c. 88, that the question of revenue (always a delicate and intricate one) did not appear likely to create the embarrassments that have since occurred.

The period, however, has arrived when the condition of both Provinces imperatively requires that the error committed should be repaired, and with the utmost possible promptness. Upper Canada has now attained a population of 450,000 souls, and its increase within the last few years has been such as clearly to show, that in a very short time it will number as many inhabitants as there are now in the Lower Province; and that, proceeding in a like ratio of increase, it will soon outstrip the sister Colony as greatly in population as it already has in commerce and general improvement. It will not be considered as an exaggerated statement to assert that four-fifths of the exports at the port of Quebec are supplied by Upper Canada; that of the 1,000 ships and vessels that annually enter from sea, 900 at least are supplied with freight from this Province, and that our products constitute the chief articles of remittance made to the United Kingdom in payment of the goods imported; and that of British manufactures, by far the greater portion brought to these Colonies is consumed and paid for by Upper Canada.

This statement of the comparative commerce of the two Provinces, founded on data which your Committee believe to be incontrovertible, in itself proves that it is contrary to the plainest rules of justice, that all the seaports through which this commerce flows should be controlled by another Colony; but this is not the only evil of which this Province has to complain. The Legislature of Lower Canada has from time to time enacted laws and adopted regulations applying to the commerce of the country, which have in effect greatly embarrassed the trade of this Province, such as imposing restraints in the export of its timber, flour, potash, &c; and in some instances by the levying of a direct tax, as in the case of

UPPER
CANADA.

No. 30.
Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

192

CORRESPONDENCE RELATIVE TO THE

emigrants from the United Kingdom (since expired), and on lumber passing down the St. Lawrence. The assumption of these powers has been objected to, and, on different occasions, protested against, by the Legislature of Upper Canada, as the unconstitutional exercise of power by one Colony to tax the productions of another, especially as in the instances mentioned, where the articles were merely in transitu to and from the mother country; these remonstrances however have not been heeded by the Imperial Government to whom they were addressed; and the Legislature of Lower Canada having ceased to exercise the functions for which it was created, redress from that quarter can no longer be expected.

But by far the most painful motive for respectfully, but earnestly, urging the immediate concession of the claim of this Province to a seaport, independent of all other control, remains to be stated.

Upper Canada, confiding in the permanency of the institutions of both Provinces, and never supposing it possible that the state of anarchy into which Lower Canada has been thrown by the revolt of the disaffected there, and which so seriously affects every branch of commerce, and all the sources of wealth and prosperity in both Provinces, could have occurred, did not hesitate to incur a heavy debt for the accomplishment of internal improvements of vast magnitude, and corresponding value and advantage to the country generally, fully relying on the continued increase of its revenue from imports at Quebec and Montreal, as well as its own internal revenue, to discharge the interest upon the loans contracted. It is now however sufficiently certain, from the state of affairs in Lower Canada, that revenue from that quarter must be greatly diminished; and, in consequence, Upper Canada finds herself reduced to the inevitable necessity of resorting to direct taxation for the purpose of maintaining its faith with the public, unless it can obtain, without delay, the concession of a plain and undeniable right, namely, a seaport, at which, as in all other countries, the means of raising a revenue presents itself free from the appearance of direct taxation, and where such a discrimination in the selection of articles for the imposition of duties can be made as to cause whatever burdens may be created to fall on parties best able to bear them.

Apart from the claim of right to a seaport, which Upper Canada confidently and earnestly urges, your Committee conceive that in granting it no portion of Her Majesty's subjects will have the slightest reason to complain of injustice. It is not asked for purposes of oppression, or to despoil any party of any single right that in equity belongs to them; on the contrary, every reflecting and dispassionate man must be convinced that, by the annexation of the Island of Montreal to Upper Canada, the ship navigation of the St. Lawrence would be immediately completed to that place; that the improvement of the Ottawa, and other great channels of commerce, would be forthwith undertaken and carried into effect; and that, in short, one of the most effectual and certain measures for restoring prosperity and contentment throughout the country would be the instant compliance with this claim.

Your Committee have no reason to doubt, indeed they have every reason to believe, that at least a large majority of the British population, which the annexation of Montreal and the country lying south-west of the Ottawa, and the Chambly Canal, to Upper Canada, would bring within the influence of English laws and English institutions, would rejoice at the change that would be effected by the measure; and it therefore remains with the Imperial Parliament to determine whether the entreaty of 450,000 loyal subjects in Upper Canada, to have a plain and indisputable natural right conceded to them, and the corresponding wishes of perhaps 50,000 of their fellow-subjects of like character in Lower Canada, should be refused, or for a moment neglected, upon the single ground (your Committee can imagine no other) that the measure would be displeasing to a body of persons not exceeding 1-20th of the number of those who demand it, persons too who have grossly and ungratefully forfeited all claim to indulgence, and who have proved themselves unworthy of retaining the ascendancy that has too long been intrusted to them!

Your Committee have not hesitated, in remarking upon this all-important subject, to express themselves with firmness and decision, not doubting but that our gracious Sovereign and the Imperial Parliament will not ascribe the language they have employed to any factious or illiberal spirit, but to the single desire, with earnestness and sincerity, to point out the justice of their claim, and to prove that they are asking that which they know and feel to be their due, and which, if withheld from them, must be attended with the most disastrous consequences to their future peace and prosperity, and greatly diminish the value of these Provinces to the British Crown.

Having thus suggested their views upon the leading questions which they believe require consideration in the adoption of measures for the restoration of these important Colonies to a situation in which they may recover from the disastrous effects of recent rebellion, your Committee will advert to a very few points not necessarily connected with either of the remedial measures remarked upon, but which, in their opinion, are of importance in themselves as tending to the strengthening and continuing of their connexion with the parent state.

1st. In the first place it must now be manifest, that whatever policy may be adopted with respect to Lower Canada, whether by herself or in connexion with any other Colony, an adequate civil list must be provided for the maintenance of the Civil Government, and the efficient administration of justice. Your Committee indeed have little hesitation in saying, that the relinquishment by the Crown of the power of paying its public servants, independently of an annual vote of the Assembly, is one, and probably the chief, cause to which the recent rebellion in Lower Canada may be ascribed.

2d. The granting of large sums of money, upon the address of the Assembly, at the commencement of each session of the Legislature in Lower Canada, and which were asked for under the pretence that they were required to pay the necessary contingencies for carrying on the business of the House, when in fact it was well known that they were (at least to a

large

large ex
did not
and fals
only ill
most pe
and in
open rel

The p
such m
scale wi
sider the
monarch
the disu
this asse
correspo
conceive
mitted t
and sup
edly em
the Ass
note the

The r
an outbr
years li
the Cro
while a
no other
has unde
the Uni
tion to
constan
employe
tors of
the par
that has
and the
Neill
spirited
the Hon
his app
Canada
the exa
term "

to have
character
There w
empire
Common
were som
3d. Y
subject
by the
North A
The cou
are con
it would
mother
by rend
ing that
kind for
patriotic
their ow
place w
factory
interests

And
tence fo
ever fac
tive Col
such Me
nacter an
governm
intermed
Should
Imperial
357.

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

large extent) to be employed in paying salaries to Members of the British Parliament, who did not hesitate to prostitute the high station they occupied to the promulgation of slander and falsehood against the local authorities, to gratify the malignant spirit of traitors, was not only illegal and unconstitutional, but has, as is now too apparent, been productive of the most pernicious consequences in corrupting the moral feeling of the people of that Province, and in giving encouragement to that spirit of revolt which has at length exhibited itself in open rebellion.

The people of Upper Canada are little interested in the opinions entertained of them by such men as Hume and Roebuck, Leader and Molesworth. They place them in the same scale with Rolph and Mackenzie and Duncombe, in morals and in politics; and they consider themselves justified in believing, that the one party is as much disposed to destroy the monarchy, and, so far as these Colonies are concerned, to effect, by treason and rebellion, the dismemberment of the empire, as the other (and, to show with what justice they make this assertion, as respects Mr. Hume and Mr. Roebuck, they refer to their public and avowed correspondence with the leading traitors of Upper and Lower Canada). But your Committee conceive, that the representative of the Sovereign in any British Colony should never be permitted to advance the revenues raised under the authority of its laws for the maintenance and support of its constitution and Government, for the purpose of being openly and avowedly employed, without the sanction of legislative enactment, by the democratic branch of the Assembly, in pensioning the Members of the Imperial Parliament to advocate and promote the schemes of a party who traitorously aim at revolution.

The representatives of the people in this Province have never ventured upon so flagitious an outrage upon the feelings of their constituents; but the practice, which for the last few years has prevailed in the Assembly of Lower Canada, to pay, from the money advanced by the Crown to discharge the contingent expenses of the session, a salary to Mr. Roebuck, while a Member of the Imperial Parliament, for no other reason, and in the expectation of no other service, than to advance the revolutionary objects of the faction that employed him, has undoubtedly had the effect of creating false impressions in the minds of many persons in the United Kingdom of the true state of feeling in both Provinces, and of retarding emigration to them, to their serious disadvantage; and there is little reason to doubt but that the constant and repeated advice and encouragement given by this pensioned revolutionist to his employers in Lower Canada (and by his political associate, Mr. Joseph Hume, to the traitors of Upper Canada) to persevere in their efforts to rid themselves of their connexion with the parent state, greatly influenced those of weak and wavering minds to join in a rebellion that has resulted in their individual ruin, the shedding of the blood of their fellow-beings, and the distress and misery of the country generally.

Neither can your Committee omit observing that, with the exception of the manly and spirited speech of Mr. Spring Rice, when Secretary of State for the Colonies, delivered in the House of Commons in 1834, in allusion to the infamous letter of Mr. Joseph Hume to his appropriate correspondent, William Lyon Mackenzie, the fugitive traitor from Upper Canada, in which he openly and traitorously urged the inhabitants of this Province to imitate the example of the American Colonies in 1776, and throw off, what he had the audacity to term "the baneful domination of the mother country," the ministers of the Crown appear to have taken very slight interest in repelling the open and insulting attacks made upon the character of their loyal fellow-subjects in this remote portion of their Sovereign's dominions. There was a time when the vigorous and constitutional exercise of the laws of the British empire would have effectually silenced the voice of treason, whether heard in the House of Commons or elsewhere; it might be of signal benefit to the cause of humanity if their power were sometimes let loose even in these days.

3d. Your Committee now beg leave to draw the attention of your Honourable House to a subject to which they attach very great importance, and which is suggested in some degree by the observations contained in the preceding paragraph; viz. the representation of the North American Colonies in the House of Commons by members chosen by themselves. The concession of this important point on the part of the parent state would, your Committee are convinced, be attended with numerous and incalculable advantages. In the first place, it would strengthen the link that now binds the loyal inhabitants of these Provinces to the mother country, by giving to them a share in the deliberations of the councils of the kingdom, by rendering more distinct and obvious the common interest that unites them, and by showing that they are in reality a part of that great empire in which yet centres the hopes of mankind for the preservation and protection of the civil and religious liberties of the world; their patriotic and praiseworthy pride would be encouraged, and their station would be exalted in their own estimation, as well as in that of the British nation. In the next place, it would place within the reach of the Imperial Government and Parliament the best and most satisfactory means of obtaining information upon subjects connected with the trade and general interests of these vast, valuable, and powerful Colonies.

And among many other advantages that might be enumerated, it would supersede all pretence for continuing the baneful and unconstitutional practice of employing agents by what ever faction might be uppermost in the representative branch of the Assembly of the respective Colonies, and afford opportunities for repelling the false and unauthorized statements of such Members of the House of Commons as might venture upon declaiming upon the character and feelings of a people who abhor their political sentiments, and whose notions of government are utterly at variance with those entertained by unauthorized and ignorant intermeddlers in their affairs.

Should this suggestion be adopted by your Honourable House, and at your desire by the Imperial Parliament, as your Committee earnestly hope it may, they offer it as their opinion, that

UPPER
CANADA.

No. 30.

Sir F. R. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

that the representation of the Colonies should be limited to two from each of the Provinces of Upper and Lower Canada, Nova Scotia, and New Brunswick, and one from each of the Islands of Newfoundland and Cape Breton; that they should be elected in joint Assembly by the Legislative Councils and Houses of Assembly of each Colony at the commencement of every new Assembly, and continue members for six months after the dissolution of the Assembly of the Colony for which they were elected.

4th. The next suggestion to which your Committee beg to draw the attention of your Honourable House, is the necessity (now too painfully obvious) of keeping up a respectable military force within both Provinces.

It must be sufficiently apparent, your Committee believe, that this desire for military protection does not proceed from any apprehension of internal revolt, in Upper Canada at least. Recent events have proved how small the number is that aim at rebellion, and how ready, and how well able the great body of the inhabitants of this Province are to suppress any attempt at insurrection; but the civilized nations of Europe will learn with astonishment that it ceases to be a question whether the "great Republic" of the United States of America, boasting of the superiority of its institutions over those of every other country, has the power of controlling its citizens within limits essential to the maintenance of peace, and the honourable performance of treaties solemnly entered into by it with foreign powers.

The occupation and conquest of Texas in the south, and the assembling of an armed force on its western frontier, openly recruited in its principal cities and towns, commanded by its citizens, and by them also supplied with arms, ammunition, clothing, money, and provisions, and transported, in the presence of, and unrestrained (if not encouraged) by its magistrates and public officers, in steam-boats and other vessels, into this Province, and landed in it for the avowed purpose of overthrowing the Government, and wresting the Colony from the Crown of Great Britain, sufficiently prove, that if the countries bordering on the United States desire to protect themselves from the inroads of freebooters, pirates, and fugitive traitors and outlaws, they must look for security to their own fleets and armies, and not to the honourable forbearance of the American people, or the efficiency or moral influence of their Government.

In making these statements, your Committee do not forget that, before preferring charges so serious in their nature against a foreign power, they should have ample proof of their truth. It would ill become your Honourable House to sanction any statement made by your Committee that could admit of contradiction on a question that might mislead the British nation in a matter so delicate and important; but your Honourable House can fearlessly point to facts too plain and notorious to admit of the slightest contradiction, and which can be attested to by thousands of witnesses, if such proof were required, in justification of the statement they have made; and these proofs no doubt will, if necessary, be collected by the proper authorities, and will be taken into the calm consideration of that nation that makes no boast of its adherence to national faith, or of its power to punish those who violate it. She will do her duty, and require others to do theirs, in every matter that concerns her interest or her honour. In the meantime your Committee reiterate, that because the loyal people of these Provinces have no faith either in the ability or inclination of the Government of the United States to compel its citizens to yield obedience to the laws of nature and of nations, and for no other reason, they are driven to claim the protection of a military force from our gracious Queen.

5th. Your Committee feel that the duty that has been assigned to them by your Honourable House would be imperfectly performed if they omitted notice of the inefficiency imputed by a large class of the most intelligent of our fellow-subjects to that department of Her Majesty's Government in England to which the administration of the affairs of the Colonies are entrusted.

In the observations your Committee may offer on this head of their inquiry, they cannot too distinctly disclaim any design to place on record a word or sentiment that is not dictated by the single feeling of patriotism, and in that light they have no doubt your Honourable House will receive their opinions, and, if adopted, transmit them to our Sovereign.

It appears to your Committee that one of the chief causes of dissatisfaction with the administration of colonial affairs arises from the frequent changes in the office of Secretary of State to whom the Colonial Department is entrusted. Since the time the late Lord Bathurst retired from that charge in 1827, your Committee believe there have not been less than eight colonial ministers, and that the policy of each successive statesman has been more or less marked by a difference from that of his predecessor. This frequency of change in itself almost inevitably entails two evils; first, an imperfect knowledge of the affairs of the Colonies on the part of the Chief Secretary, and the consequent necessity of submitting the direction of important details to the subordinate officers of the department; and, second, the want of stability and firmness in the general policy of the Government, and which of course creates much uneasiness on the part of the governors, and other officers of the Colonies, as to what measures may be approved.

But undoubtedly by far the greatest objection to the system is, the impossibility it occasions of any colonial minister, unaided by persons possessing local knowledge, becoming acquainted with the wants, wishes, feelings, and prejudices of the inhabitants of the Colonies during his temporary continuance in office, and of deciding satisfactorily upon the conflicting statements and claims that are brought before him. A firm, unflinching resolution to adhere to the principles of the constitution, and to maintain the just and necessary power of the Crown, would do much towards supplying the want of local information; but it would be performing more than can be reasonably expected from human sagacity, if any man, or set of men, should always decide in an unexceptionable manner on subjects that have their origin thousands of miles from the seat of the Imperial Government where they reside, and of which they have no personal knowledge whatever, and therefore wrong may be often done

to

on each of the Provinces
and one from each of the
elected in joint Assembly
at the commencement of
the dissolution of the

the attention of your
keeping up a respectable

is desire for military pro-
Upper Canada at least.
bellion, and how ready
ence are to suppress any
learn with astonishment
the United States of Amer-
other country, has the
enance of peace, and the
foreign powers.

arming of an armed force
owns, commanded by its
g, money, and provisions,
aged) by its magistrates
and, landed in it for
ing the Colony from the
bordering on the United
pirates, and fugitive trait-
armies, and not to the
moral influence of their

before preferring charges
simple proof of their truth.
at made by your Commit-
and the British nation in a
fearlessly point to facts
which can be attested to
on of the statement they
by the proper authori-
at makes no boast of its
late it. She will do her
er interest or her honour.
people of these Provinces
of the United States to
nations, and for no other
our gracious Queen.
em by your Honourable
inefficiency imputed by
tment of Her Majesty's
Colonies are entrusted.
their inquiry, they cannot
ment that is not dictated
doubt your Honourable
our Sovereign.

satisfaction with the admin-
office of Secretary of
the late Lord Bathurst
not been less than eight
has been more or less
they of change in itself
the affairs of the Colo-
nity of submitting the
ment; and, second, the
ent, and which of course
cers of the Colonies, as

the impossibility it occa-
knowledge, becoming
inhabitants of the Colo-
factorily upon the com-
unflinching resolution
st and necessary power
formation; but it would
gacity, if any man, or
subjects that have then
where they reside, and
rong may be often done
to

to individuals, or a false view taken of some important political question, that in the end may throw a whole community into difficulty and dissension, not from the absence of the most anxious desire to do right, but from an imperfect knowledge of facts upon which to form an opinion.

To these objections it may be answered, that although the Chief Secretary of State retires with a change of ministers, the under secretaries (or at all events one of them), and the other subordinate officers of the department, remain and hold their offices permanently, and therefore information on all subjects can be readily imparted to the superior by the gentlemen who are thus retained; and it may be admitted that the knowledge of this fact ought to lessen the force of the objections that rest on other grounds; but it cannot be disguised that there is a growing impatience and unwillingness on the part of colonists, especially in these extensive Provinces, to have the measures of Government, whether connected with their general system of government, legislation, or patronage, controlled by persons who are utter strangers to them, not responsible in any way to themselves or to the British Parliament, and who perhaps, being advanced to their office from length of service, or other like cause, are not regarded as competent (perhaps unjustly) to manage and direct measures which they (the colonies) deem of vital importance. Much of this feeling may be traced to pride; but it is a pride that springs from an honourable and laudable feeling, and always accompanies self-respect, true patriotism, and love of country, and it therefore ought not to be disregarded, nor should any attempt be made to lessen or control it, if it were possible to do so. But the imperfection that exists in the system of colonial government that prevails in England is rendered more apparent by the want of that confidence that ought to be reposed in the distinguished officers who from time to time are commissioned as governors to different colonies than by any other fact that can be distinctly pointed out.

If the statements publicly made, and uncontradicted, be true, there are few colonies from which governors, distinguished for eminent abilities and high character, have not been within a very short time withdrawn, or who have not been compelled to resign their office in consequence of some disagreement with the Colonial Secretary; but as your Committee are not possessed of any official information upon which they can venture to remark on the causes of these disagreements in other colonies, they will confine themselves to a mere reference to the recall of Sir John Colborne, and Sir Francis Head in this Province, and they lament that there is too much reason to adopt the sentiments expressed by the other branch of the Legislature, that the connexion of each of these distinguished officers "with the government of this Colony has seemed incapable of being protracted, with satisfaction to themselves, beyond the period when it became evident that no submission would be made by them to a spirit of factious discontent, which nothing can appease but the destruction of British rule." But your Committee forbear adding anything to the opinion they have already expressed in a previous part of this Report, of the policy and justice of these removals, further than to declare, that the measures lately taken with respect to this province, and which have resulted in the resignation of the government by Sir Francis Head, have more than ever established the conviction that, to insure confidence in the wisdom and justice of Her Majesty's Government some change must be effected in the administration of the affairs of the Colonial Department.

Your Committee conceive that this all-important object would be best attained by, first, granting representation to the more important Colonies in the British House of Commons, as has been already suggested. Second, by placing the administration of the Colonial Department in the hands of a Board, to be composed of a president (who, being a Cabinet Minister, may be removable on a change of administration of the Government), assisted by gentlemen of known probity and talent, selected, if not altogether, at least in part from the Colonies, and who should retain their offices notwithstanding a change of ministry. And third, having selected gentlemen of undoubted ability and integrity to fill the office of governor, to extend to them a liberal and generous share of confidence; to rely upon their honour, and follow their suggestions, and not deprive them of office so soon as they are found to differ with, or are unreasonably complained against by the faction that happens to be in the ascendant in the Assembly, or out of it. Had this confidence been accorded from the time of Lord Dalhousie's administration to the present day, your Committee have no hesitation in declaring it to be their firm belief, that the hideous rebellion that has broken out in Lower Canada would never have occurred.

Your Committee here close their observations on the past political history of these Colonies: "The causes which have led to the recent unnatural revolt, the evils that have resulted from it, and the measures necessary to guard and protect us from the recurrence of a like calamity."

They have endeavoured to perform this important duty to the satisfaction of your Honourable House, and the benefit of their country; they have not hesitated to state their opinions fearlessly and emphatically upon every question that appeared to them to demand investigation, and to employ language and arguments which, free from all ambiguity, would best attest the sincerity of their desire to place the truth before our gracious Sovereign and the British nation, and thus insure a just and considerate attention to our representations.

Your Committee are well persuaded that the government of the British North American Colonies involves far less difficulty than many British statesmen (some of them of great eminence) appear to apprehend. Recent events have proved how ardently the 600,000 inhabitants of Upper and Lower Canada, of British descent, desire to continue subject to the British Crown; neither should it be denied that there may be many of French origin who are sincere in their wish to perpetuate the connexion. This fact being established, it must, your Committee conceive, be admitted as undeniable, that nothing more is required to conduct the Government with harmony and efficiency than the adhering to established law, and

UPPER
CANADA.

No. 30.
Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3, in No. 30.

administering justice in the spirit of benevolence and kindness, but with unwavering firmness and resolution.

There was a time, your Committee trust it is now passed, when opinions were entertained by men of influence and high station in England, that separation from the parent state, and connexion with the neighbouring republic, was desired by the people of the Canadas; and there is reason to apprehend that this opinion has had a most injurious influence among those entrusted with the affairs of these Colonies.

In the year 1828, James Stephen, esq., then counsel, and since advanced to the office of Under Secretary of State to the Colonial Department, in his evidence before the Select Committee of the House of Commons on the affairs of Canada, advanced the following opinions with reference to these Provinces: "The ties by which the people are bound to their sovereign are not of the same strong and enduring character as the corresponding obligations between the king and the people in the old European states. It is impossible to suppose the Canadians dread your power; it is not easy to believe that the abstract duty of loyalty, as distinguished from the sentiment of loyalty, can be very strongly felt. The right of rejecting European dominion has been so often asserted in North and South America, that revolt can scarcely be esteemed in those continents as criminal or disgraceful. Neither does it seem to me that the sense of national pride and importance is in your favour. It cannot be regarded as an enviable distinction to remain the only dependent portion of the New World."

Your Committee readily imagine that at the time Mr. Stephen hazarded the opinions contained in the extract from his evidence, he did not sufficiently advert to the vicious construction that might be placed upon them; and they have no doubt but that he will experience unmixt pain and regret, when he learns that the opinions thus incautiously advanced by him were quoted by the leading traitor in this Province, and placed at the head of the last paper he published before he openly engaged in rebellion, as a test from which he argued, not only that "revolt in these Provinces could not be regarded as criminal or disgraceful," but that such was the recorded and deliberate opinion of Her Majesty's Under Secretary of State for the Colonies; and moreover, that the same distinguished gentleman had declared, that it "cannot be regarded as an enviable distinction (for the North American Colonies) to remain the only dependent portion of the New World."

Your Committee pretend not to say that any individual was influenced by the use made of Mr. Stephen's opinions, they hope otherwise; but they well know that their promulgation has excited a deep feeling of regret in the minds of a very numerous and respectable class of the learned gentleman's fellow-subjects in these Provinces, and has led many to consider whether past mal-administration of our affairs may not fairly be attributable to the influence, necessarily exercised by a person holding his highly responsible and confidential situation in Downing-street; and if so, whether that influence can be continued without danger to our future prosperity.

When Mr. Stephen expressed the opinion, that it could not be regarded as an enviable distinction for these Provinces to remain the only dependent portion of the New World, he was essentially misinformed of the true feelings of the people of Upper Canada generally, and of those of British origin in the other Provinces. They have ever considered it as an enviable distinction to be dependent on the mighty and enlightened empire to which they belong. They consider that dependence as their best security against infidelity, lawless outrage, and corrupt government. They see in it the broad distinction that marks a people who submit to the salutary control of the wisest laws ever enacted by human authority for the benefit of man, and of a nation that day by day exhibits proofs of its rapid approach to a state of anarchy, arising from the weakness of its government, and the tumult of political distraction in which its people are continually kept, by those baneful influences to which your Committee has already adverted; viz. annual elections, universal suffrage, and vote by ballot, and the power that these vicious elements of discord place in the hands of the least enlightened to control the more intelligent and respectable.

Your Committee might advert to the frightful degradation exhibited by the people of the southern states arising from the existence of slavery, and the utter disregard of the authority of laws continually displayed by the inhabitants of the west, in the homicides and murders committed, under circumstances the most revolting, and for the punishment of which their so-called courts of justice appear to be powerless.

Neither can the careful observer of passing events fail to see that the time is approaching when the more sedate and wealthy inhabitants of the states lying north and east of the Alleghany Mountains would rejoice to find themselves once more under the protection of a monarchy such as England, as their only certain security from the devastation of a revolution which, whether accomplished by force or otherwise, they plainly see must at no very distant period overtake them.

If anything were needed to bring conviction to the mind of any man of the truth of these opinions, it is presented in the recent conduct of the people of the republic, and of the chief officers of their state and general government, with respect to these Provinces, and upon which your Committee have already remarked. That conduct, ungenerous and perfidious as it is, has established in the minds of the loyal subjects of our gracious Queen, not only a repugnance to, but an intense hatred of the institutions of a country that either cannot or will not restrain its citizens from the most barbarous and atrocious violations of the laws of God and man.

There is but one other point to which your Committee feel it necessary to make any allusion, and it is a deeply interesting one: they mean the opinion that has been frequently and confidently advanced in this country and in England, that the continuance of the connexion

nexion no
desired by
of Her M
and untru
to the Cro
view, of
that the m
a dozen in
quest of
having no
population
fabrics an
by the pro
vessels in
protection
value of
foreign wo
of the emp
statesman
uphold th
such a mo
Canada,
the sentin
Parliamen
and emph
loyal subj
Great Bri
from any
and when
these Pro
have been
the full as
privileges
descendan
the Britis
estates, r
slightest
therefore
the less r
which has
bitants of
maintain

All whi

Cum

Dear

As Mr.
ture for L
of the pri

From T
into count
you may
constituen
the forme
course are
the upper
Henry; a
sentative
of represe
English.
I am in
cies have
has taken
rebellion
which at
conservati
357.

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. 3. in No. 30.

connexion now existing between the North American Provinces and the Parent State is not desired by the latter. It is unnecessary for your Committee to say, that the loyal subjects of Her Majesty utterly discredit this assertion, and believe it to be altogether unfounded and untrue. When it is remembered, that although Canada, at the time it was surrendered to the Crown of Great Britain (now not quite 80 years ago), was, in a commercial point of view, of little value, that its trade was chiefly confined to an unimportant traffic in furs, and that the number of vessels that visited its ports from Europe did not probably exceed half a dozen in the course of the year, it was nevertheless considered the most important conquest of the British arms during the then existing war. It cannot be believed, that after having nourished and maintained it until it has attained to the importance of an empire, its population increased from less than 70,000 to more than 1,000,000 of souls, consuming the fabrics and manufactures of the United Kingdom to the amount of millions, paying for them by the product of its fields and forests, and employing more than 1,000 British ships and vessels in its commerce; that at the very moment when the vast expenditure and generous protection that has brought it to this state of maturity is about to be repaid by the increased value of its trade and exhaustless fisheries, and the resource it ensures in the event of a foreign war, further supply of timber, and other indispensable materials required by the navy of the empire, and for other national objects; that it could enter into the imagination of any statesman having the slightest pretensions to the character of a patriot, or who wished to uphold the honour of the Crown, or advance the wealth and power of the kingdom, to suffer such a measure to receive his sanction as the voluntary relinquishment of the sovereignty of Canada, or any portion of British North America; and in the confidence that such must be the sentiments of the British nation, your Committee have little doubt but that the Imperial Parliament will not fail, whenever the subject shall be brought under its notice, distinctly and emphatically to respond to the feeling that universally prevails among Her Majesty's loyal subjects on this continent, that the connexion should continue inviolate and perpetual. Great Britain never has been, and never will be, the country that will withdraw its support from any portion of its dominions, or from any people that can justly claim her protection; and when it is brought to mind that one portion of the vast increase in the population of these Provinces is by immigration of our fellow-subjects from the United Kingdom, who have been encouraged to seek an asylum here and invest their capital in its commerce, under the full assurance, that as British subjects they would be maintained in their rights and privileges as such; and that another portion is composed of those loyal men and their descendants who, in the contest that ended in the separation of the now United States from the British Crown, adhered to their allegiance, and shed their blood, and forfeited their estates, rather than unite themselves with traitors. There can be no reason—no! not the slightest—for believing that we shall be ungenerously discarded, as has been desired, and therefore asserted, by the enemies of our peace and the honour of England. And there is the less reason for apprehending this when proof so undeniable can be pointed to, as that which has recently been given, that like their fathers in the American revolution, the inhabitants of Canada of British origin are ready, at the sacrifice of every earthly possession, to maintain "The unity of the Empire."

All which is respectfully submitted.

Committee-room, House of Assembly,
8 February 1838.

(signed) Henry Sherwood,
Chairman.

APPENDIX.

Dear Sir,

Montreal, 26 January 1838.

As Mr. Badgley had not time to answer your letter of the 15th instant before his departure for London, I have now the honour of transmitting to you certain tables in illustration of the printed pamphlet.

From Table (A.) you will see, that according to the present subdivision of the Province into counties, constituencies decidedly English return 15 representatives; and from Table (B.) you may discover, that according to the proposed subdivision of the printed pamphlet, such constituencies would immediately return 25 representatives. You will also perceive, that constituencies decidedly French, or nationally doubtful, must return 75 representatives in the former case, and 61 in the latter. The nationally doubtful constituencies, which of course are daily becoming more and more Anglified, are those of the westward of Montreal, the upper and lower town of Quebec, the county of Beauharnois, and the town of William Henry; and it may not be amiss to mention, that there is at this moment an English representative for each division of Quebec. You will further observe, that the gradual increase of representation, as contemplated by the printed pamphlet, would be almost exclusively English.

I am in candour bound to admit, that the representatives of decidedly English constituencies have not always been loyal men; but I can confidently add, that in this respect a change has taken place for the better. To say nothing of the wall of partition which the recent rebellion has erected between the two races, the counties of Stanstead and Drummond, which at the last general election were thoroughly radical, have since then returned one conservative member each.

357.

D D

With

UPPER
CANADA.

No. 30.

Sir F. B. Head to
Lord Glenelg,
17 March 1838.

Encl. in No. 30.

With regard to the representation of Upper Canada in any united assembly, the Constitutional Association of Montreal entertains no sectional jealousy. On this head I may confidently appeal to the printed pamphlet; and I may add, that the proposition of the printed pamphlet has been embodied in the instructions of our agents, Mr. Moffatt and Mr. Badgley. All that we ask is, that you may co-operate with us in the good cause, and demand for yourselves whatever may seem requisite to the common security of your Province and of the Empire.

The Table (B.) shows the number of members that will be returned according to the proposed new division of counties in the appendix of the printed pamphlet, being:

	British.	French.
	25	01
The counties of Hull and Shefford, of this division, having a population, according to estimation in March 1836, of 3,190 and 3,217, will probably have 4,000 each at the next election, and be entitled to another member	2	—
	27	01

According to the principle there laid down, each Province would have an equal representation, and the national origin of the constituencies would be as follows:

	British.	French.
Upper Canada - - - - -	80	—
Lower Canada - - - - -	25	01
	111	01

British majority, 60 members.

A change is expected ere long, in the return of members from the following places, viz.

	Members.
The west ward of the city of Montreal	2
Upper Town of the city of Quebec	2
Lower Town - - - ditto	2
The county of Beauharnois	2
The town of William Henry	1
	9

But it is uncertain how soon; and it must be contingent on our obtaining registry-offices, and laws for the commutation of the feudal tenure. When, however, these members are returned by British majorities, there will be nine to add to the number of British, and to deduct from the French members, with the following result:

	British.	French.
Upper Canada - - - - -	80	—
Lower Canada - - - - -	34	52
Ditto - - expected from Hull	1	—
Ditto - - expected from Shefford	1	—
	122	52

Eventual supposed British majority - - - - - 70 members.

I am, &c.

Thomas M'Kay, Esq. M.P.
Toronto.

(signed) P. M'Gill,
Chairman Montreal Constitutional Association.

STATEMENT
of Lower
Statute

No.	
1	Count
2	—
3	—
4	—
5	—
6	—
7	—
8	—
9	City of
10	Count
11	Town
12	Count
13	—
14	—
15	—
16	—
17	—
18	—
19	—
20	—
21	—
22	—
23	Town
24	Count
25	—
26	—
27	—
28	—
29	—
30	—
31	—
32	—
33	—
34	—
35	—
36	City
37	Count
38	—
39	—
40	—
40	Count

Appendix (A.)

STATEMENT showing the Number of British and French Members of the House of Assembly of Lower Canada, returnable according to the Division of the Counties under the Provincial Statute of 1839, the 9th Geo. 4, c. 73.

No.		Square Miles.	Census of 1831.	Members returnable by British and French Constituencies.	
				British.	French.
1	County of Acadie - - - - -	250	11,419	-	2
2	— Beauharnois - - - - -	717	16,857	-	2
3	— Berthier - - - - -	8,410	20,225	-	2
4	— Chambly - - - - -	211	15,483	-	2
5	— Lachanay - - - - -	299	9,461	-	2
6	— Laprairie - - - - -	238	16,497	-	2
7	— L'Assomption, besides vacant tracts in rear, 4,800 - - - - -	208	12,767	-	2
8	— Missisquoi - - - - -	360	8,801	2	2
9	— Montreal - - - - -	197	43,773	-	2
	City of Montreal, West Ward - - - - -	-	-	-	2
	— East Ward - - - - -	-	-	-	2
10	County of Ottawa - - - - -	31,069	4,786	2	-
11	— Richelieu - - - - -	373	16,149	-	2
	Town of William Henry - - - - -	-	-	-	1
12	County of Rouville - - - - -	429	18,115	-	2
13	— St. Hyacinth - - - - -	477	15,366	-	2
14	— Sheford - - - - -	749	5,087	2	-
15	— Stanstead - - - - -	632	10,366	2	-
16	— Terrebonne - - - - -	3,169	16,623	-	2
17	— Two Mountains - - - - -	1,086	40,905	-	2
18	— Veaudreuil - - - - -	330	13,111	-	2
19	— Vercheres - - - - -	198	12,319	-	2
20	— Champlain - - - - -	783	6,991	-	2
21	— Drummond (census 1836) - - - - -	1,674	4,840	2	-
22	— Nicolet - - - - -	487	12,504	-	2
23	— St. Maurice - - - - -	9,810	16,909	-	2
24	Town of Three Rivers - - - - -	-	-	-	2
25	County of Sherbrooke - - - - -	2,786	7,104	2	-
26	— Yamack - - - - -	283	9,496	-	2
27	— Beauce - - - - -	1,987	11,900	-	2
28	— Bellechasse - - - - -	1,775	13,539	-	2
29	— Dorchester - - - - -	348	11,946	-	2
30	— Ilet - - - - -	3,044	13,518	-	2
31	— Kamouraska - - - - -	4,320	14,557	-	2
32	— Lotbiniere - - - - -	735	9,191	-	2
33	— Megantic - - - - -	1,485	2,883	1	-
34	— Montmorencie (census of 1836) - - - - -	7,396	4,137	-	2
35	— Orleans - - - - -	69	4,349	-	2
36	— Portneuf - - - - -	8,640	12,350	-	2
	City of Quebec, Upper Town - - - - -	14,340	36,173	-	2
	— Lower Town - - - - -	-	-	-	2
37	County of Rimouski - - - - -	8,840	10,661	-	2
38	— Saguenay - - - - -	72,700	8,385	-	2
39	— Bonaventure - - - - -	3,390	8,309	-	2
40	— Gaspé - - - - -	4,108	5,003	2	-
40	Counties.			15	75

Appendix (B.)

RETURN of Members to the House of Assembly, according to the New Division of Counties in the Province of Lower Canada, contained in the Appendix to "A Representation on the Legislative Union of the Provinces of Upper and Lower Canada, by the Constitutional Association of the City of Montreal, published on the 23d March 1837."

No.		Square Miles.	POPULATION.			Members returnable by British and French Constituencies.	
			Census of 1815.	Census of 1831.	Supposed. in March 1836.	British.	French.
	The Counties of						
1	Ottawa, besides waste lands	635	693	1,033	-	1	
2	Hull ditto ditto	620	803	3,543	3,590	1	
3	Clarendon, ditto ditto	534	-	599	1,330	1	
4	Chatham	728	3,599	6,035	-	2	
5	Terrebonne	563	28,699	29,046	-	-	2
6	L'Assomption	426	19,275	20,791	-	-	2
7	Berthier	8,348	15,935	20,225	-	-	2
8	Kilkeny, besides waste land	518	480	1,437	-	1	
9	Chambly	409	27,924	27,802	-	-	2
10	Laprairie	488	28,286	29,916	-	-	2
11	Beauharnois	717	-	10,857	-	-	2
12	Vaudreuil	330	11,144	13,111	-	-	2
13	Richelieu	473	15,866	17,365	-	-	2
14	Rouville	683	21,010	22,965	-	-	2
15	Missisquoi	421	9,676	13,710	-	9	2
16	Shefford	602	1,438	2,534	3,317	1	
17	Brome	420	2,580	5,594	-	2	
18	Stanstead	458	5,956	8,131	-	2	
19	Montreal	197	37,085	43,773	-	-	2
	City of Montreal, West Ward	-	-	-	-	-	2
	East Ward	-	-	-	-	-	2
	Town of William Henry	-	-	-	-	-	2
20	County of St. Maurice	9,810	15,679	16,909	-	-	1
	Town of Three Rivers	-	-	-	-	-	2
	The Counties of						
21	Champlain	783	5,891	6,991	-	-	2
22	Yamack	459	16,152	17,565	-	-	2
23	Lotbiniere	453	6,227	6,816	-	-	2
24	Drummond	827	1,027	3,188	4,304	2	
25	Blainford	767	27	181	536	-	
26	Sherbrooke	388	2,768	4,074	5,870	2	
27	Enfield	808	1,055	1,639	2,454	1	
28	Middlesex	1,041	151	942	337	-	
29	Worcester	828	922	1,346	2,360	1	
	Town of Sherbrooke	-	-	-	-	2	
	The Counties of						
30	Megantic	892	249	3,457	4,000	2	
31	Devon	799	-	36	-	-	
32	Dorchester	479	13,792	16,056	-	-	2
33	Beauce	807	8,689	12,600	-	-	2
34	Woodburn	1,478	-	-	-	-	
35	Bellechasse	1,775	12,920	13,529	-	-	2
36	L'Islet	3,044	13,058	13,508	-	-	2
37	Kamouraska	4,320	13,478	14,557	-	-	2
38	Ramouki	8,840	8,500	10,061	-	-	2
39	Portneuf	8,640	11,169	12,350	-	-	2
40	Quebec	14,240	31,000	35,173	-	-	2
	City of Quebec, Upper Town	-	-	-	-	-	2
	Lower Town, 7,396	-	-	-	-	-	2
41	County of Montmorency, including the Island of Orleans, 69	7,465	7,539	8,092	8,486	-	2
	The Counties of						
42	Saguenay	72,700	7,703	8,385	-	-	2
43	Bonaventure	4,108	-	8,309	-	2	
44	Gaspé	3,281	-	5,093	-	2	
44	Counties.					25	61

Montreal, 24 January 1838.

PETITION
To the

The Pet
Association
Glenelg of

Most
We, Yo
vincial Pa
prosperity
passed in t
"An Act
Colonies, a
money, and
longed by
Yof M
recommen
Province.
Common

Most
We, Yo
vincial Pa
recommen
duties due
visions of
Trade Act.
Compo

Most
We, Yo
vincial Pa
direct you
cause to be
been raised
lands, or f
of Your M
Common

Most
We, Yo
vincial Pa
House, th
burthened
borne out
Common

AFFAIRS OF LOWER CANADA, &c.

201

UPPER
CANADA.

PETITION of the President and Secretary of the Constitutional Association of Montreal.

To the Knights, Citizens, and Burgesses of the Province of Upper Canada, in Provincial Parliament assembled.

The Petition of the Undersigned, for themselves, and in behalf of the Constitutional Association of Montreal, (Vide Appendix (G.) in Sir F. B. Head's Despatch to Lord Glenelg of the 12th March 1838, p. 151.)

No. 30.
Sir F. B. Head to
Lord Glenelg,
13 March 1838.

Encl. 3, in No. 30.

Enclosure 4, in No. 30.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Majesty, that the prosperity of this Province has been greatly retarded by an Act of the Imperial Parliament, passed in the fourth year of the reign of His late Majesty King George the Third, intituled "An Act to prevent Paper Bills of Credit, hereafter to be issued in any of His Majesty's Colonies and Plantations of America, from being declared to be a legal tender in payment of money, and to prevent the legal tender of such Bills as are now subsisting, from being prolonged beyond the period limited for calling in and sinking the same."

Your Majesty's faithful Commons therefore pray that Your Majesty will be pleased to recommend to your Imperial Parliament to repeal the said Act, so far as relates to this Province.

Commons House of Assembly,
27th Feb. 1838.

Allan N. MacNab,
Speaker.

Encl. 4, in No. 30.

Enclosure 5, in No. 30.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial Parliament assembled, humbly pray that Your Majesty may be graciously pleased to recommend to your Imperial Parliament to provide by statute for the just proportion of duties due to this Province, arising from imports at the Port of Quebec, under the provisions of the 6th Geo. 4, c. 114, and other imperial statutes, passed since the Canada Trade Act.

Commons House of Assembly,
26th Feb. 1838.

Allan N. MacNab,
Speaker.

Encl. 5, in No. 30.

Enclosure 6, in No. 30.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial Parliament assembled, humbly pray that Your Majesty will be graciously pleased to direct your Principal Secretary of State for the Colonies, to take such measures as will cause to be speedily funded in the Public Debentures of this Province, such monies as have been raised in this Province, whether from the sale of public lands, clergy reserves, Indian lands, or from any source whatever, and are now placed at interest, or funded in the stocks of Your Majesty's United Kingdom, or elsewhere.

Commons House of Assembly,
26 Feb. 1838.

Allan N. MacNab,
Speaker.

Encl. 6, in No. 30.

Enclosure 7, in No. 30.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial Parliament assembled, humbly represent to Your Majesty, that in the opinion of this House, the casual and territorial revenue of this Province should not continue to be burdened with the sum of £7,205, for religious purposes; but that this charge should be borne out of the proceeds arising out of the sales and leases of the clergy reserves.

Commons House of Assembly,
26th Feb. 1838.

Allan N. MacNab,
Speaker.

Encl. 7, in No. 30.

No. 31.
Sir F. B. Head to
Lord Glenelg,
20 March 1838.

— No. 31. —

(No. 31.)

COPY of a DESPATCH from Sir F. B. Head, Bart., to Lord Glenelg.

My Lord,

Upper Canada, Toronto, 20 March 1838.

I HAVE the honour to transmit to you herewith a copy of a communication which, on the 13th instant, I addressed to His Excellency H. S. Fox, Esq., Her Majesty's minister at Washington.

I have, &c.

(signed) F. B. Head.

Enclosure in No. 31.

Sir,

Toronto, Upper Canada, 15 March 1838.

Encl. in No. 31.

I AM not yet relieved by the arrival of Sir George Arthur, but I may expect to be so in a very few days; and it is proper that I should, in the mean time, put you in possession officially of such circumstances as have occurred upon our frontier since I last wrote to you.

In my letter of the 3d instant I apprised your Excellency of the occupation of Hickory Island, in this Province, by a large party of armed Americans from the State of New York, and of the possession, in like manner taken, of Fighting Island in the Detroit River, by a band of ruffians armed and equipped, and marching openly upon their expedition, almost within view of the capital of the State of Michigan. The dispersion of both of these bands by Her Majesty's forces, and their flight from this Province, have been also stated to your Excellency; but it is not without regret, and I am constrained to say not without a strong feeling of indignation, that I have to add to this catalogue of aggressions, made by American citizens during a warfare openly carried on by them for more than three months past, by reporting another quite as flagrant as any that have preceded it, and attended with a more calamitous result.

After Colonel Townsend had driven the party from Fighting Island, Colonel Maitland, who commands in that district, was led, by communications he received from the American officer commanding at Detroit, to believe that this attempt would be the last, and that our frontier would thenceforward be unmolested by further attacks from that quarter.

But, notwithstanding the American officer seemed to entertain this expectation very confidently, and notwithstanding General Scott, who has been specially sent by the President of the United States to restrain the lawless conduct of the American people, had just passed up from Buffalo to Detroit through Sandusky, and must have had (as one would have supposed), ample opportunity to know what was going on in that vicinity, unless, indeed, all the American people are combined to promote these outrages, and assist the authors of them, it is most extraordinary that I should have to state to you, that, on the 1st of March instant, Colonel Maitland being in command at Amherstburgh, received information that many hundreds of Americans had taken forcible possession of a large island called Pelé Island, in Lake Erie, about 20 miles below Amherstburgh, nearly the same distance from our main shore.

This island is about nine miles long, and four or five wide, and is in part cultivated, there being a number of Canadian farmers resident upon it, whose stock and other property were taken, to a considerable amount, by this army of Americans. Colonel Maitland instantly proceeded with his troops and militia to dislodge them, which he did effectually, but only after a contest in which two men of the 32d regiment and one of the militia were killed, and a number wounded. Of the Americans four officers and seven men were killed, and 11 more made prisoners, five of whom were wounded.

On the day following this affair, an officer of our militia, in returning to Amherstburgh on the ice of Lake Erie, met two persons about a mile and a half from our shore, and thinking they were something suspicious in their movements and appearance, he stopped them, and made them prisoners. They proved to be a Mr. Sutherland, who had for a long time past assumed the rank and command of brigadier-general of what he called the Patriot army, and a young man by the name of Spencer, his aid-de-camp, calling himself captain. They were both armed with swords, and, when taken, were travelling in the direction of Pelé Island. Your Excellency will recollect that this Sutherland was the commander of the party who took possession of Bois Blanc Island, and to which the armed schooner belonged which was employed under his orders in battering the town of Amherstburgh. You will probably also remember

remember I
approach of
Spencer we
burgh. Un
I sent your
has been su
under the cl
martial had
next day, or
self, by ope
sistant of th
nothing of th
the prevailing
but the amo
which is ver
When he h
proceedings.

This last
have preced
the American
part of Her
stated from
the military
If this fact
treaty with
nature. The
country to w
by Canadian
has been con
have landed
removed from
houses of the

This is the
British nation
clear, not me
selves and th
attack upon
face of the
happily with
Washington

The robbe
without diffic
obtained, ha
the hastily p

What may
me to determ
Canada, who
respect, I ca
these extra
to deserve p

Soon after
party in Lov
this Province
from the Cro
people of th
ciples of the
avowed desi
they boasted
easily under
subject of G
mine the su
whom he rec
the citizens
somewhat in
purpose of th
Glenelg, and
me to our
reckoned up
I annex a co
is declared,
"You may
sister States,
the United
would be pro

remember his proclamations addressed to the inhabitants of Canada, announcing the approach of American liberty, and inviting them to rebel against their Government. He and Spencer were immediately sent to Toronto; the other prisoners are confined at Amherstburgh. Under an Act of our Legislature, passed on 12th of January last, and of which I sent your Excellency a copy in the beginning of February, a militia general court martial has been summoned for the trial of Sutherland, who is imprisoned in the garrison at this post under the charge of Colonel Hughes, of the 24th regiment. On the night after the court martial had delivered to him a copy of the charge against him, to be answered the next day, or as soon as he might be prepared, he endeavoured to make away with himself, by opening several veins with a penknife; he fainted from loss of blood, and the sergeant of the guard found him in that situation at an early hour of the morning. Knowing nothing of this man's disposition or previous character, I cannot judge what may have been the prevailing inducement to the act. It may have been the hope of exciting a sympathy in his countrymen among his American countrymen, being (as he must be) aware that their sympathy is very little influenced, if at all, by the consideration of what is just or unjust. When he has recovered his strength sufficiently, the court martial will resume their proceedings.

This last aggression of the Americans is, in several respects, more flagrant than any that have preceded it; it has been committed nearly three months after the fact was notorious to the American Government, that their citizens were in a state of actual warfare against this part of Her Majesty's dominions; and the invaders came in a large armed party, variously stated from 400 to 800, from that very portion of the United States to which the attention of the military officers of the Government seemed at the moment to be most particularly called. If this fact proves only the utter inability of the American Government to maintain their treaty with the British Crown, the discovery is at least one of a very important and alarming nature. The Island which they attacked was many miles removed from the shores of the country to which the invaders belonged; and it was a large Island, inhabited and cultivated by Canadian subjects, whom they made prisoners, and whose property they plundered. It has been confessed also by some of themselves, since their capture, that their design was to have landed the next night upon the main land of this Province, which is at that point far removed from any military station, and to have marched towards Amherstburgh, burning the houses of the loyal inhabitants on their route.

This is the last of the outrages for which the American Government has to answer to the British nation; the last at least of which intelligence has reached me. It is now quite clear, not merely from the acts of the aggressors, but from the published accounts of themselves and their sympathising friends, which fill the American papers, that a simultaneous attack upon our frontier from Montreal to Amherstburgh, was regularly planned, and, in the face of the American authorities, the attempt has been in a great part executed, though happily without any degree of success. About the 22d of February (the birth-day of Washington), seems to have been the time deliberately fixed upon.

The robbery of all the public arsenals of their own country appears to have been effected without difficulty, by the same bands of ruffians, who, with the assistance of the arms thus obtained, have been unable to maintain an inch of ground, or to carry a single point against the hastily raised force of Upper Canada.

What may be, or what ought to be, the consequence of all these proceedings, it is not for me to determine; but in justice to my own country, and particularly to the people of Upper Canada, whose admirable conduct throughout these difficulties entitles them to universal respect, I cannot take my departure from this Continent, without passing hastily in review these extraordinary transactions, and remarking upon some points which seem to me to deserve particular attention.

Soon after my accession to this Government, two years ago, I found that a numerous party in Lower Canada, openly talking of rebellion, and acting in concert with persons in this Province of like treasonable views, were constantly threatening to separate this Colony from the Crown, and holding out the assurance of certain support in their projects from the people of the United States. Relying firmly, and not without reason, on the loyal principles of the inhabitants of Upper Canada, and having occasion to speak publicly of these avowed designs of the traitorous factions in these Provinces, and of the supporters whose aid they boasted of, I did not hesitate to say, "Let them come if they dare." For a purpose easily understood, and not very amiable or becoming in any one who professed to be a loyal subject of Great Britain, a person in this Province took upon himself to make this remark of mine the subject of a correspondence with the Secretary of the State of New York, of whom he requested to know what foundation there could be for my seeming to imagine that the citizens of the United States could be induced to act hostilely towards this country? A somewhat indignant answer was returned to this appeal, in a strain calculated to suit the purpose of the person who made it, and the answer was accordingly sent in triumph to Lord Glenelg, and published in Canadian newspapers, as evidence of a grievous wrong done by me to our neighbours, in supposing it possible that the traitors in these Provinces, who reckoned upon their support, could have the slightest ground for their hopes or assertions. I annex a copy of the printed answer of the Secretary of State of New York, written, as it is declared, by the express authority of Governor Marcy, and in which it is stated:—"You may rest assured that the universal desire of the people of this State, and our sister States, is to maintain unimpaired relations of friendship which happily exist between the United States and Great Britain; and the authority of the State, and of the Union, would be promptly interposed to put down any attempts on the part of those subject to their

UPPER
CANADA.

No. 31.

Sir F. B. Head to
Lord Glenelg,
20 March 1838.

Encl. in No. 31.

respective jurisdictions, to interfere with the political concerns of Canada, or of any of the British dominions." I quote no more of this letter, but it is all worth reading, bearing in recollection what has happened since it was written. Admitting that Governor Marcy and the Secretary of State were perfectly sincere in the estimate which they formed of the feelings and principles of their citizens, it is but too plain that the opinion which the now fugitive traitors from these Provinces had expressed upon this point were much more correct; and that Mr. Roebuck, from his letter to the people of England, published so early as December last, seems also to have ascertained the true state of things with much greater accuracy. This, however, is now of little moment to be considered; but it is very material to observe with how much distinctness and confidence the Secretary of State announces in Governor Marcy's name, "that the authority of the State would be promptly interposed to prevent any interference of their citizens in the political concerns of Upper Canada."

Early in December last, hundreds, or rather thousands, of American citizens combined openly to raise soldiers to invade this Province; found them arms, provisions, and money for the service; and, in the face of the American authorities, equipped an army, which, under an American leader calling himself a general, took forcible possession of a portion of Upper Canada, and fired day after day upon our people with artillery and arms taken from American arsenals. Three weeks after these disgraceful transactions, the Legislature of the State of New York was assembled in the ordinary course, and Governor Marcy, in his annual official Message intended to embrace every public topic interesting to the State, takes no more notice of these shameful proceedings of his fellow-citizens which were still notoriously in progress, than he does of anything that had happened in New Zealand.

Under similar circumstances, the Governor of the State of Michigan observed a precisely similar line of conduct. This may, to be sure, have been accidental; but it looks very much like the pursuing an understood system of policy not the most friendly to Great Britain, nor very easily to be reconciled with national duties; and after it had been stated "that the authority of the State would promptly interpose, &c.," it is hard to understand that the State had so little concern in the matter as to make it unworthy of the attention of the Legislature. The truth is, that no obstacle whatever was thrown in the way by the government of the State of New York, except the issuing of a proclamation which was treated with utter disregard; and it was only when there seemed reason to apprehend, from the collection of a large force upon our frontier, that the many pieces of United States cannon, which had been for weeks used in making war upon this Province, were about to fall into the hands of Her Majesty's forces, that the government of the State of New York were roused to any visible exertion, and their exertion then was solely directed to the protection of their own property, and was not carried to such an extent as to be attended with the least effect.

But no sooner did the British officer in command on the Niagara frontier find it necessary, as a measure of self-defence, to attack and capture a small steam-boat, openly employed in the service of these American citizens, against whose warfare the government of the State of New York had wholly failed in the slightest degree to protect us, than Governor Marcy makes this occurrence the subject of a hasty and earnest and exciting appeal to his legislature, unhesitatingly applying to it the epithets of "outrage" and "massacre." Then, also, he announces that he had called out the militia, and taken efficient means to protect their soil from invasion; and he calls upon the legislature to unite with him in further measures. It seems not very intelligible how it can be more the concern or the duty of a State to prevent their neighbours from defending themselves against injuries, than to restrain their own people from inflicting those injuries; and if Governor Marcy could call out the militia for the purpose of securing to the ruffians on Navy Island an undisturbed intercourse with the State of New York, and impunity in their hostile proceedings, I do not know why he should not long before have called them out to enforce obedience to the laws of Congress, and the authorities of the State, when they were openly and violently resisted, and to protect the public artillery and arms from being repeatedly plundered from their arsenals. The inference, however, which I believe I may say is drawn from these transactions by the inhabitants of Upper Canada from its eastern to its western extremity is, that it was intended to let the experiment proceed of attempting to overrun Canada with American citizens, assisted by American artillery and arms, without offering it any other obstruction than a proclamation which nobody regarded, and which no attempt was made to enforce. It must at least be admitted to be a great misfortune to live near a nation in which the powers and duties of the government are either so singularly arranged, or so strangely carried into effect.

The allusion made to the destruction of the *Caroline*, reminds me that in your Excellency's letter of the 6th February last, I am informed that the American Government are collecting affidavits for the purpose of contradicting the official report made to me of that transaction, by the officer under whose orders it was executed, and with the view of urging a claim for reparation upon the British Government; and your Excellency has recommended to me to take any further measures that may seem to me necessary for placing that matter fairly before Her Majesty's Ministers.

I must candidly confess to your Excellency, that after all that has occurred before and since the destruction of the *Caroline*, I find it difficult to turn with patience to a reconsideration of that subject. The particulars are already before the world, upon the oath and the honour of British officers of distinguished reputations, independently of the other proofs by which their statements were accompanied; and unless justice has fled from the earth, I do not know how any grave attempt of the American Government to make that matter the subject of complaint, and of application for redress, can be expected to receive the slightest degree of countenance. The most prominent feature in the injurious treatment which this

unoffending

unoffending F
gard of truth
inflicting the
this country o
no other rule
cause. We a
serve the pun
made, upon w
Government c
warded, I tak
the subject.

I have nev
of New York
the *Caroline* t
out a pretext
their cause th
this most just
which their pu
done, this add

What along
States should
as to reprove
them that thei
of their Govern
sole cause of
and justifiabl
solitary act of
which, if persi

That the Go
pose, to be as
ing a claim of
an importance
of Her Majes
put it out of t

I can discov
haps Great B
believe it to b
dissatisfaction
since it seems
tude; and it i
according to t
would endang
claimed at las
does not proc
and redress th
power of enfo
should, witho
When a peopl
obligations of
rights which
put to the tes

I observe, t
ture of the C
at the openin
of the Americ
says was rag
cations which
He observe
and vigorous
the frontier s
cludes by say
the burning o
cause in Can
Government

Now I beg
Mr. Forsyth
lency), no "
a most wicke
without the k
present there
could either
been and stil
leaders, with
and avowed
357.

UPPER
CANADA.

No. 31.

Sir F. B. Head to
Lord Glenelg,
20 March 1838.

Encl. in No. 31.

unoffending Province has received, at the hands of the American nation, is, the utter disregard of truth which has been shown by the thousands of people who have been active in inflicting these injuries, and who, when describing anything that has happened, either in this country or their own, connected with their flagitious proceedings, seem to be guided by no other rule than to make such statements as may be most likely to advance their unjust cause. We are, therefore, entirely at the mercy of whatever may suggest itself, as suited to serve the purpose; and all that can be said is, that when the representations have been made, upon which it is intended to rely, if they are such as in the judgment of Her Majesty's Government call for any explanations or reply, not furnished by the documents already forwarded, I take it for granted the Lieutenant-governor of this Province will be referred to on the subject.

I have never been for a moment surprised that the people upon the frontier of the State of New York should have shown the strongest disposition to make the destruction of the Caroline the means of creating all possible excitement. They were before utterly without a pretext for the accumulated wrongs and insults they had committed, it might make their cause thenceforward less odious and more prosperous, if they could contrive to make this most justifiable act of self-defence appear to be an injury inflicted upon their country, which their pride and patriotism made it their duty to resent. After what they had already done, this additional injustice could not occasion much surprise.

What alone is to be wondered at and regretted is, that the Government of the United States should not have felt it safe and expedient to render so natural a homage to justice, as to reprove the authors of this unfounded and preposterous complaint, by calmly telling them that their own outrageous violation of the laws of their country, their indecent defiance of their Government, and their shameful conduct towards their friendly neighbours, was the sole cause of the destruction of the Caroline; that they not only rendered that act natural, and justifiable, but would have warranted a much more signal retribution; and that this solitary act of self-defence was but an insignificant consequence of a disgraceful warfare, which, if persisted in by them, must inevitably lead to general desolation and misery.

That the Government of the United States thinks fit to pursue a different course is, I suppose, to be ascribed to a desire to anticipate an expected demand for reparation by advancing a claim of their own; and it may probably be thought not impossible to give so serious an importance to this question as to produce an impression that but for this act on the part of Her Majesty's forces the excitement would long ago have ceased, and that this alone has put it out of their power to quiet their people, and to restore peace.

I can discern in the correspondence you have sent me, the display of such a policy; perhaps Great Britain may be influenced in the manner which seems to be hoped for, but I believe it to be scarcely possible. At the same time I am sensible that any strong feeling of dissatisfaction at the conduct of the American Government would probably be misplaced, since it seems to have power and influence only when it seconds the inclinations of the multitude; and it acts therefore, I dare say, under the conviction, that their treating the question according to the principles of reason and justice would avail little for our protection, while it would endanger some interests of their own. It has indeed been already very loudly proclaimed at large meetings of the citizens of the State of New York, that if their Government does not procure for them what they call satisfaction, they will make war of their own accord and redress themselves. If the Government of the United States has indeed wholly lost the power of enforcing its laws, and maintaining its treaties, it is perhaps desirable that things should, without delay, be brought to this issue, however calamitous it is to contemplate. When a people reject and defy all restraint of their Government, and refuse to submit to the obligations of reason and justice, there is but one remedy for enforcing respect for those rights which they are bent upon violating, and the sooner the sufficiency of that remedy is put to the test the better.

I observe, by Mr. Forsyth's letter of the 13th ultimo, that he appears to consider the capture of the Caroline as a measure inconsistent with the resolutions expressed in my speech at the opening of the Legislature, in which I expressed "every confidence in the disposition of the American Government to restrain its citizens from taking part in the conflict which he says was raging in this Province, and my determination to await the result of the communications which I had made to the Government of the State of New York and to yourself." He observes also, "that the measures on the part of the United States have been as prompt and vigorous as they have been successful in repressing every attempt of the inhabitants of the frontier states to interfere unlawfully in (what he calls) 'the contest.'" And he concludes by saying, that "the most serious obstacle thrown in the way of those measures was the burning of the Caroline, which, while it was of no service to Her Britannic Majesty's cause in Canada, had the natural effect of increasing the excitement on the border which the Government was endeavouring to allay."

Now I beg to remark, that on the 26th December, when I made the speech alluded to by Mr. Forsyth and still less on the 13th February, when he wrote this letter to your Excellency, no "conflict" whatever was "raging in this Province." On the 7th of December a most wicked but utterly hopeless insurrection, which began on the 4th, was put an end to without the loss of a life, by the civil inhabitants of the country. From that time to the present there has been no conflict whatever in this Province, in which American citizens could either interfere or be restrained from interfering; but, during all that time, there has been and still is a war carried on by the citizens of the United States, under American leaders, with American arms and supplies of all kinds, and a war of invasion, for the sole and avowed object of separating this colony from the British crown; a war unaided by

UPPER
CANADA.

No. 31.
Sir F. B. Head to
Lord Glenelg,
20 March 1838.

Encl. in No. 31.

206

CORRESPONDENCE RELATIVE TO THE

a single individual in arms in the colony, but which, on the contrary, the brave, peaceful inhabitants of Upper Canada are to this hour occupied, at great expense and inconvenience, in repelling.

In the next place, as to any contradiction which the burning of the Caroline may be supposed to have given to the declarations quoted from my address to the Legislature, I have to remark, that the speech alluded to was delivered to the Legislature in Toronto on the 28th December, and the Caroline was captured in the night of the 29th in the river Niagara. It must be very evident that no change of my intentions, in the mean time, could have led to that act, of which I was so far from being in any manner cognizant that I was wholly unconscious of the existence of such a steam-boat till I received the report of her destruction. I had quite as little connection with this vessel before its destruction took place, and quite as little knowledge of any intention of its projected destruction, as Governor Marcy could have had; there was, therefore, no inconsistency on my part. If I had been aware of the occasion for such an attack, I should undoubtedly have sanctioned it; at least such is now my impression; for though I meant, as Mr. Forsyth remarks, to await replies to the statements I had forwarded, and had earnestly inculcated upon the officer commanding at Chippewa a cautious forbearance, I could never be supposed to desire more than that he should not suffer anything to be done in the spirit of retaliation; in other words, that he should not insult or injure the American people, because American citizens had insulted and injured us. It would be strange to imagine that I had pledged myself to allow 700 or 800 ruffians, whom the American authorities on the spot had shown and confessed their unwillingness or inability to restrain, in peace and unopposed, artillery, arms, and men, and to form a military position upon our territory, such as would secure their continued occupation of it, and cover their further advance into the Province. The moment it became obvious to the officer commanding on the frontier that the deputy marshals of the United States either could not or would not do anything effectual for our protection, it became his imperative duty to ward off the threatened blow, and to silence the fire of the United States' artillery, which had actually been commenced upon us by all the means in his power.

I might forbear, I think, to ask your Excellency to compare Mr. Forsyth's assertion, that the measures adopted by his Government "had been completely successful in repressing every attempt of the inhabitants of the frontier states to interfere unlawfully" in what he chooses to call the contest in this Province, with the fact that two months before he wrote there had been hundreds of men in arms, at several points of the frontier, ready to invade Upper Canada, if they had found it in any quarter unprepared for resistance; that while he was writing that letter it is quite notorious there were several such collections of armed men, under American leaders, at various points opposite to Canada; that, although in some instances, when these bands of ruffians have been driven back by our forces, they have been met and disarmed by the officers of the American Government. I know but one instance in which they have managed, by their interference, to arrest the attempt, and prevent its running its full course; and, moreover, since this letter of Mr. Forsyth's was written, our frontier has been invaded at no less than four points, near Kingston, Fort Erie, Sandwich, and at Pelé Island, by armies of American citizens, with arms and artillery plundered from one arsenal after another; and at that point nearest to the seat of Government in the State of New York (I speak of the invasion from French Creek), thousands of American citizens rushed to the frontier to countenance and abet this shameful warfare. When Mr. Forsyth says that every such attempt has been repressed, I affirm that not one such attempt has, to my knowledge, been repressed within the American territory; while, on the other hand, it is certain that the officers of the American Government, commissioned for that purpose, have repeatedly warned our officers of the expeditions which were openly on foot against this Province, and have assured them of their utter inability to prevent them; nor can I forbear to record the remarkable fact, that in the course of this three months' warfare waged against us by American citizens, every public arsenal throughout an extent of about 600 miles of frontier seems to have been plundered of artillery and muskets; and that, so far as I have observed, no attempt at this description of robbery seems to have failed of success. And notwithstanding the fair warnings which the first outrage of the kind offered, I have not found that a man has been killed or wounded in the attempt to defend these public arms, nor any one injured on the side of the assailants; nor has it appeared that a single individual in the state of Michigan or New York concerned in such offences has been brought to punishment.

If these facts can be explained in a manner consistent with the honour of the government of the United States, I can only say that I have not yet seen the explanation attempted.

With respect to the assertion that "the destruction of the Caroline, while it was of no service to Her Britannic Majesty's cause in Canada, has had the effect of increasing excitement on the border," I assure your Excellency, that up to the moment of that act the utmost indifference and apathy were shown on the part of the government of the State of New York. I have already stated that the fact of 700 or 800 American citizens having invaded our Province, formed batteries on our island, and fired upon our people and houses from American cannon, was not worthy of being noticed in any communication to the legislature. It was this painful but necessary act of self-defence which first roused that government to a sense of what was due from them to the cause of peace and humanity. Until that time nothing effectual was done or attempted, and I am quite convinced that nothing has been so instrumental as that single act in deterring the rising inclination of the American people to insult and trample upon the inhabitants

inhabitants
consequence

If it were
the truth), the
commanding
able would h
to repress th
respecting th
was taken I
were no other
Government
of the 28th
gence arrived
on which the
pose of con
the confession
an openly a
government,
proof of the
boats were h
strangely the
Caroline; an
information
by her being
she was cap
treated, I ca
States' office
and that it w
how importa
place on the
a complaint.

In my letter
construction
relative right
I could not
of permanent

It is but j
stances I c
explanation.

It was, pe
treason comm
ended in the
arms, atrocio
he adhered to
my demand
States, as al
seemed to m
to preserve
criminal from
States has b
their own G
Mr. Macken
conducted yo
obedience to
disclaimed a
our shore, a
collected ba
people to the
and safety, th
those who re
I believe it is
such a cour
outrages wh
been effected

Another p
relates to th
Niagara from
common with
sidering the
pelling, obed
to their pre
generally ev
affording, in
Scott, of 1
367.

UPPER
CANADA.

No. 31.

Sir F. B. Head to
Lord Glenelg,
20 March 1838.

Encl. in No. 31.

inhabitants of this Province, and in awakening the American government to the inevitable consequences of suffering the wicked aggressions of their citizens to continue unchecked.

If it were indeed established, which I am certain it never can be (for the contrary is clearly the truth), that the Caroline was not in the employment of the marauding army, and that the commanding officer at Chippewa was unfortunately misled by appearances, how very excusable would have been that error, when the deputy-marshal of the United States sent expressly to repress these hostilities, came to precisely the same conclusion as Colonel MacNab did respecting the service for which the Caroline was destined; and on the very day before she was taken he wrote officially to his government at Washington, that letter, which, if there were no other evidence to appeal to, would be of itself an undeniable vindication of this Government from all censure on account of that transaction. I allude to Mr. Garrow's letter of the 28th December 1837, laid before Congress, I believe the very day before the intelligence arrived of the destruction of the Caroline. This proof of the sufficiency of the ground on which that step was taken is so remarkable, that I annex a copy of the letter for the purpose of convenient reference, although your Excellency has already seen it. In this letter the confession is distinctly made, that the hostile preparations against Canada were carried on openly at Buffalo to a most formidable extent, and that he, as the officer of the general government, had been successfully defeated in all his attempts to restrain them; and as a proof of the alarming state of things he adds, that while he was writing, one or more steam-boats were being cut out of the ice at Buffalo, to be employed in what he calls rather strangely the "Patriot Expedition." One of these boats, it will not be denied, was the Caroline; and this clear conclusion of the marshal as to her object, with every advantage of information which his presence upon the very spot afforded him, being confirmed next day by her being seen in the act of transporting guns and men from Schlosser to Navy Island, she was captured. When I see the spirit in which this evidently justifiable act has been treated, I cannot but consider it a singular piece of good fortune that this letter of the United States' officer should have happened to have been written and sent off on the 28th December, and that it was communicated to Congress, and thus given to the world before it was known how important the testimony was about to become in relation to the occurrence which took place on the 29th, and which was immediately after made the subject of so unreasonable a complaint.

In my letter to your Excellency of the 30th January last, I expressed regret that in the construction which the officers of the American Government seemed disposed to put on the relative rights of the two countries, under the circumstances in which they were placed, I could not discover satisfactory proof of a spirit calculated to contribute to the restoration of permanent tranquillity.

It is but just that I should state before retiring from this Government, to what circumstances I chiefly alluded when I made this remark. I will now therefore give the explanation.

It was, perhaps, not in the power of Governor Marcy to make a distinction between treason committed in the progress of a great political revolution, and such an outbreak as ended in the flight of Mr. Mackenzie, after committing, in the two or three days he was in arms, atrocious acts of murder, arson, and robbery. I am therefore bound to suppose that he adhered to what he considered to be his duty, in declining to surrender Mackenzie upon my demand; and that he properly referred the matter to the Government of the United States, as alone competent to deal with such a question. But on the other hand, it has not seemed to me to give a satisfactory proof of the earnest desire of the federal Government to preserve their friendly relations with Great Britain, that they appear to think a fugitive criminal from this Province entitled to their protection, though his residence in the United States has been marked by the most constant and shameful defiance and disobedience of their own Government and laws. It would have been extremely natural to have said to Mr. Mackenzie, "If you had sought refuge among us from a political charge, and had conducted yourself as a citizen of our country, submitting to our laws, and rendering a due obedience to our Government, we should probably not have surrendered you; but you have disclaimed all subjection to our authority, from the moment of your setting your foot upon our shore, and can therefore, with no reason or justice, claim our protection. You have collected bands of armed men, in defiance of the law, and have incited hundreds of our people to the most flagitious public robberies; it is necessary, therefore, for our own peace and safety, that this country should no longer afford you that shelter, which is due only to those who recognise and submit to the authority of its Government." I may be wrong, but I believe it is thus that a European Government would have acted; and I am convinced that such a course of conduct would have done infinitely more towards putting down the outrages which the American Government has lamented and condemned, than all that has been effected by their officers, civil and military.

Another point in which I cannot conscientiously admit myself to have been satisfied, relates to the line of conduct pursued by Major-general Scott, at a particular crisis, upon the Niagara frontier. I am very sensible of the difficult and delicate duties which he, in common with General Wool, Colonel Worth, and General Brady have had to perform, considering the disposition of the people, and the slender means at their command, for compelling obedience to their orders; and I would most unwillingly entertain a surmise to their prejudice, where it is evident, that in the discharge of their duty, they have generally evinced so much activity and zeal. But what I especially allude to, as affording, in my opinion, ~~any~~ reasonable ground of exception, is the letter of General Scott, of 18th January 1838, and his measures in relation to the subject of that letter.

UPPER
CANADA.

No. 31.
Sir F. B. Head to
Lord Glenelg,
30 March 1838.

Encl. in No. 31.

letter. He knew that the officer commanding on our side of the Niagara River, was very naturally under the impression that the steam-boat Barcelona, then at Schlosser, was brought down by the brigands who had long been engaged in open hostilities against this Province, for the purpose of removing themselves, their artillery and stores, from our Island (of which they were then in forcible possession) to some other part of Upper Canada; and while he confirmed the ground of that suspicion by his letter, and avowed his doubt of the practicability of his arresting even the leaders of these brigands, he seemed to insist that our forces should make no attempt to prevent their passing up the Niagara river. For a purpose so essential to the peace and honour of both countries, one would have supposed that the invisible boundary line through the waters of the Niagara might well have been permitted to be passed over without advertent even to the question of absolute right to do so by the law of nations. But what I am most disposed to complain of is, that although General Scott knew that the Barcelona, when about to pass from the Island to Buffalo, was not in fact freighted as she was expected to be, he did not take the obvious step of communicating this amicably to the officer at Chippewa, and thus assuring him that an attack of the steam-boat would be unnecessary. He knew that, on our side at least, not an act was done otherwise than in strict obedience to authority (as I am proud to say has been the case throughout the whole of this aggravating contest), and that, in order to avoid the collision which he deprecated, he had only to put the officer commanding in possession of the truth. Still he left him in ignorance; and fully expecting that, under a false impression, an attack would be made upon the Barcelona while in the American waters, he hurried down to the shore with artillerymen and field-pieces "to return (as he declared he intended to do) shot for shot." It is true that, while he was on the point of setting out to Schlosser, or Black Rock, to act this part, he declared to one of our officers, who happened to be at Buffalo, that such was his intention, and accompanied the declaration with an assurance that he had ascertained that there were none of the brigands or their arms in the steam-boat; but he well knew that the intimation came then too late to be of the least possible service in preventing the expected collision, for which he seemed to have been deliberately preparing, for it could not be conveyed in time to the officers at Chippewa, or in command of our schooners. It did so happen, by the mere accident of the one of two letters which was last written by the officer commanding at Chippewa to the naval officer in command of the schooner, being the first that reached its destination, that the steam-boat Barcelona was allowed to pass up unmolested and General Scott had not therefore the expected opportunity of bringing the United States troops in collision with Her Majesty's forces; but the steps taken seemed much more likely to have terminated in such a result than to have avoided it, and they offered no very convincing proof of a desire to preserve friendly relations.

In justice however to an American officer, I have pleasure in recording a circumstance which has lately occurred, and in which the feeling that was shown by him may be advantageously contrasted with that which seems to have governed General Scott.

Not many days ago it was reported to the American officer, Colonel Worth, that many hundreds of armed men had left the vicinity of Buffalo, intending to invade Canada at or near Point Abino, above Fort Erie. Colonel Worth, taking a force with him, pursued them, and found that they had established themselves within our lines, having put up a temporary shelter on the ice. He advanced upon them, in order to compel them to disperse, when it is stated that he was accosted by the brigands, and asked how he dared to enter Her Majesty's dominions for the purpose of attacking them. Colonel Worth, as it is reported to me by an official document in my possession, was not deterred by this consideration, but demanded of them to lay down their arms; and on his showing a determination to advance against them, they dispersed themselves and fled. He rightly judged that the most liberal construction would be put upon his conduct while in the execution of a service in which (like our destruction of the piratical steam-boat the Caroline) both countries had a common interest; and he felt, I doubt not, that he could safely rely upon no captious exception being taken to his proceedings. If General Scott had shown a like desire to co-operate with this country in bringing to punishment the men who had so daringly insulted his own Government as well as ours, he might, it is true, have run some risk of disappointing the expectations of the population in and about Buffalo, but he would most effectually have secured the avowed object of the United States Government in maintaining their existing treaty with Great Britain.

It may serve as no unapt commentary upon the early declaration by the Government of the State of New York of the universal disposition of their people not to interfere in the concerns of Canada, as well as upon Mr. Forsyth's letter of 13th February last, if I bring under your Excellency's view a debate in the Legislature of New York upon the frontier disturbances which took place so lately as the beginning of this month. It is reported in the New York Spectator of the 6th instant, and I annex the extract which contains it. You will there see that a member of the Legislature, acting confessedly in concert with the Government, calls for the enactment of some extraordinary measures in consequence of another arsenal at Elizabeth Town "having just been robbed of large quantities of munitions, arms, and field-pieces; and such, he says, was the temper of the population in that quarter, in which the public officers, civil and military, participated to some extent, that it was found difficult to assert the authority of the law, or to recover the public property;" and it will be seen that he gives a most striking proof of the degree to which this feeling prevailed, by the nature of the measures which he proposed. This does not exactly accord with the conviction expressed by Mr. Forsyth, that every disposition to interfere in the concerns of Canada had been put down by the Government, nor does it seem that his impression in regard to the excitement being mainly to be ascribed to the destruction of the Caroline is strengthened by the opinions of public men who have a nearer opportunity of seeing what

what is going on
this alarm
received,
people w
Colonial a

I need
towards v
be given,
liberate t
from Am
guard of
attempt t
is a most
ence to t
tance suc
unsafe fo
and even
have met

His Ex

On the
the follo
Head, to
had allu
quence of
tion on t
New Yor
tary of S
view the
intervent

" The
electors c
regret.
tion of U
are intere

I gave
officially
ceive the
single cit
cal affair
your Lie
the groun
seems du
for suspi
As it is,
our citize
exciting
assured
tain unin
Great Br
interpose
dictions,
It is no
magnani
ferred, a
repaying
pose, int

Sir,
This f
tion of t
357.

UPPER
CANADA.

No. 31.

Sir F. B. Head to
Lord Glenelg,
30 March 1838.

Encl. in No. 31.

what is going forward. You will observe, that in the same debate, Mr. P. King attributes this almost universal disposition to rise above the law, not to any sense of insults, or injuries received, but to "a warm and patriotic sympathy there and throughout the country for a people who are deemed to be oppressed," in other words, to a wish to make this British Colony an American State.

I need not report to your Excellency how little this sympathy is desired by the people towards whom it is so disinterestedly exercised. Of this, perhaps, a better proof could not be given, than that Mr. Sutherland, who was so conspicuous in his efforts and attempts to liberate the people of Upper Canada from their fancied oppression, has just been brought from Amherstburgh to Toronto, 250 miles through the interior of the Province, by a militia guard of 12 men, with as perfect security against any desire to repay his sympathy by an attempt to rescue him, as if he had been an ordinary criminal taken up for larceny; and it is a most striking proof, on the other side, of the spirit of justice, the humanity and obedience to the laws which prevails universally in this Province, that in travelling all this distance such a prisoner met with neither injury nor insult while, at this time, it is notoriously unsafe for any inhabitant of this province to be seen in any town along the American frontier, and even British officers sent on an official mission to an American general commanding, have met with the grossest insult and ill-usage.

I have, &c.

(signed) F. B. Head.

His Excellency H. S. Fox, Esq.

Appendix (A.)

On the 20th of July 1836, Mr. Robert Baldwin addressed a letter to Lord Glenelg, of which the following is an extract: "I also beg to refer your Lordship to the reply of Sir F. B. Head, to the address presented to him on the subject of the foreign interference to which he had alluded in one of his preceding replies. I learn by my private letters, that in consequence of his Excellency refusing all satisfaction as to whence he had derived his information on the subject, a letter was addressed to the authorities of the neighbouring State of New York, and I subjoin an extract which had been sent me from the answer of the Secretary of State of that republic, which will show your Lordship the light in which strangers view the conduct of the Lieutenant-governor, in spreading an alarm on the subject of foreign intervention.

(Extract referred to.)

"The answer of your Lieutenant-governor, dated the 28th ultimo, to the address of the electors of the home district, was received here and in Albany with equal surprise and regret. The State of New York is not directly referred to; but our local position in relation of Upper Canada is such, that we are almost constrained to believe that our citizens are intended by the designation of "foreigners," whose interference is deprecated.

I gave a copy of the address to Governor Marcy, and he would not hesitate to notice it officially, if, under the circumstance, he could do so with propriety, but he does not perceive that he can; I am, however, authorized by him to say, that he does believe not a single citizen of this state entertains the design of interfering in any manner with the political affairs of Canada, nor has he ever heard such a design imputed to any individual. If your Lieutenant-governor had thought proper to communicate to the executive of this state the grounds on which the intimation referred to was thrown out, a course which certainly seems due to the friendly understanding subsisting between us, it is believed that all cause for suspicion would have been removed, so far as the citizens of this state are concerned. As it is, we cannot but think that great injustice has been done to us, by ascribing to any of our citizens criminal designs of which they are innocent, and to the people of Canada, by exciting distrust and alarm for which there is no shadow of foundation. You may rest assured that the universal desire of the people of this state and our sister states, is to maintain unimpaired relations of friendship which happily exist between the United States and Great Britain; and that the authority of the State and of the Union, would be promptly interposed to put down any attempts on the part of those subject to their respective jurisdictions, to interfere with the political concerns of Canada, or any of the British dominions. It is no more than just to the citizens of the United States, to add, that a recent instance of magnanimity on the part of Great Britain, has strengthened the desire to which I have referred, and I am sure that the moral sense of a whole community would revolt at the idea of repaying that act of friendship with bad faith, which your Lieutenant-governor, as we suppose, intended to attribute to some of us."

Appendix (B.)

From the United States Marshal to the President.

To his Excellency M. Van Buren:

Buffalo, 28 December 1837.

Sir,
This frontier is in a state of commotion. I came to this city on the 22d instant, by direction of the United States' attorney for the northern district of this state for the purpose of serving

UPPER
CANADA.

No. 31.
Sir F. B. Head to
Lord Glenelg,
20 March 1838.

Encl. in No. 31.

210

CORRESPONDENCE RELATIVE TO THE

serving process upon individuals suspected of violating the laws of the United States, enacted with a view to maintain our neutrality. I learned, on my arrival, that some 200 or 300 men, mostly from the district of country adjoining this frontier, and from this side of the Niagara, had congregated upon Navy Island, Upper Canada, and were then in arms, with Rensselaer Van Rensselaer, of Albany, as their commander-in-chief. From that time to the present, they have received constant accessions of men, munitions of war, provisions, &c. from persons residing within the States.

Their whole force is now about 1,000 strong, and, as is said, are well supplied with arms, &c.

Warrants have been issued in some cases, but no arrests have as yet been effected. This expedition was got up in this city soon after M'Kenzie's arrival upon this side of the river, and the first company that landed upon the island were organized, partially at least, before they crossed from this side to the island.

From all that I can see and learn, I am satisfied that, if the Government deems it their duty to prevent supplies being furnished from this side to the army on the island, and also the augmentation of their forces from among the citizens of the States, an armed force stationed along upon the line of the Niagara will be absolutely necessary to its accomplishment.

I have just received a communication from Colonel MacNab, commanding Her Majesty's forces now at Chippewa, in which he strongly urges the public authorities here to prevent supplies being furnished to the army on the island; at the same time stating that, if this can be effected, the whole affair could be closed without any effusion of blood.

MacNab is about 2,500 strong, and constantly increasing. I replied to him that I should communicate with you immediately, as also with the Governor of this State, and that everything which could, would be done to maintain a strict neutrality.

I learn that persons here are engaged in dislodging one or more steam-boats from the ice, and, as is supposed, with a view to aid in the patriot expedition.

I am, &c.,

N. Garraw,
U. S. Marshal Northern District New York.

Appendix (C).

To the Commanding Officer of the Armed British Vessels in the Niagara.

Sir,

Head Quarters, United States Army, Eastern Division,
Two Miles below Black Rock, 15 Jan. 1838.

WITH his Excellency the Governor of New York, who has troops at hand, we are here to enforce the neutrality of the United States, and to protect our own soil and waters from violation.

The proper civil officers are also present, to arrest, if practicable, the leaders of the expedition on foot against Upper Canada.

Under these circumstances, it gives me pain to see the armed vessels mentioned anchored in our waters, with the probable intention to fire upon that expedition moving within the same waters. Unless that expedition shall first attack, in which case we shall interfere, we shall be obliged to consider a discharge of shot or shells from or into our waters, from the armed schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations. I hope, therefore, that no such unpleasant incident may occur.

I remain, &c.
(signed) Winfield Scott.

Appendix (D).

The Frontier Disturbances.

Mr. J. A. King, from the select committee on the Governor's special message, touching the Schlosser affair, asked leave to submit a verbal report on matter which called for prompt action on the part of the Legislature.

Leave having been granted, Mr. J. A. King stated that the committee had been called together by the Governor, in consequence of his having received information that the arsenal in Elizabethtown, in Essex county, was broken into on the night of Sunday last, and large quantities

quantities
population
some exte
public pro
recover th
special att
should be

The bill
attorneys,
judgment

The bill
dared, on

On moti
Mr. Hals
anticipated
now-a-days
sary to pre

Mr. G. V
the public

Mr. J. A
should be
frontier.

Mr. G. V
officers wou

Mr. P. K
frontier we
patriotic sy
oppressed;
the law, un
appeared to

The comm

quantities of munitions, arms, field-pieces, &c. taken away; that such was the temper of the population in that quarter, in which the public officers, civil and military, participated to some extent, that it was found difficult to assert the authority of the laws or to recover the public property; that under these circumstances, it was deemed necessary, to protect and recover the public property, as well as to aid in preserving the neutrality of the country, that special attorneys should be appointed (as in the case of the Morgan affair); and that they should be taken from the sections of the State removed from the scene of these outrages.

The bill which he held in his hand authorized the governor to appoint three special attorneys, if in his judgment the exigency should require it. It was a measure which, in the judgment of the committee and of the executive, the case might require.

The bill was ordered to a third reading, 70 to 10; but this vote was immediately reconsidered, on motion of Mr. Silliman, Mr. Sibley intimating a wish to amend.

On motion of Mr. P. King, the House went into committee of the whole upon the bill, Mr. Halsey in the chair, and Mr. Mann sustained the measure, not so much because he anticipated these outrages would result in war (for governments did not go to war lightly now-a-days), but as a measure called for by circumstances of peculiar excitement, and necessary to preserve the public property from lawless depredation.

Mr. G. W. Patterson preferred to clothe with additional powers the local attorneys where the public arsenals are.

Mr. J. A. King replied, that the object was to select persons as special attorneys, who should be uninfluenced by the local excitement, which it was notorious prevailed on the frontier.

Mr. G. W. Patterson thought it would be presuming too much to suppose that the public officers would be deterred from doing their duty by any such influences.

Mr. P. King repelled the insinuation that either the people or the public officers on the frontier were indisposed to sustain the supremacy of the law. Still there was a warm and patriotic sympathy there and throughout the country, for a people who were deemed to be oppressed; and it had, it seemed, been found impossible to prevent or punish infractions of the law, under the restricted jurisdiction of the local officers. In this point of view, the bill appeared to him necessary.

The committee rose, without taking the question.

NOVA SCOTIA.

NOVA SCOTIA.

No. 32.

Sir C. Campbell
to Lord Glenelg,
5 February 1838.

— No. 32. —

COPY of a DESPATCH from Major-General Sir *Colin Campbell*, K. C. B., to
Lord *Glenelg*.

My Lord,

Halifax, 5 February 1838.

I HAVE the honour to transmit your Lordship copies of the speech with which
I opened the Legislature of this Province on the 25th ultimo, and the reply of
the Legislative Council and House of Assembly thereto.

I have, &c.

(signed) *Colin Campbell*.

Enclosure in No. 32.

Halifax, Nova Scotia, Legislative Council Chamber,
Thursday, 25 January 1838.

Encl. in No. 32.

At two o'clock this day, His Excellency the Lieutenant-Governor proceeded in State to
the Council Chamber, and being seated, the Gentleman Usher of the Black Rod was directed
to command the attendance of the House of Assembly; the House attended accordingly,
when His Excellency was pleased to deliver the following Speech:—

Honourable Gentlemen of the Legislative Council,

Mr. Speaker and Gentlemen of the House of Assembly,

My first duty, and a painful one I find it, is to condole with you on the loss which, since
our last meeting, we have sustained, by the demise of his late most gracious Majesty
William the Fourth, of blessed memory, whose paternal attachment to this Province, which
he visited at an early period of his life, will be remembered by you with gratitude and respect.

The Throne of the British empire is now filled by his august niece Queen Victoria, the
daughter of his late Royal Highness the Duke of Kent, who for many years resided amongst
you, when Commander-in-Chief in British America. Her Majesty's accession has been
hailed, in every part of her extensive dominions, with the most enthusiastic loyalty: her
youth and sex claim from her subjects their dutiful affection and support.

It is with deep regret I have to notice the late unfortunate events in the Canadas; but I
have the satisfaction of informing you that the insurrection has been put down in Lower
Canada, and that the traitorous attempt made to separate the Upper Province from British
rule, has been signally defeated by the gallant conduct of its militia alone. It is true that a
small and desperate band still retain possession of Navy Island; but there is every reason
to believe, as measures have been adopted at the recommendation of the President of the
United States for the enforcement of neutrality on the frontier, that these deluded men,
deprived of all foreign assistance, will speedily be dispersed.

These rebellious proceedings have called forth in this Province expressions of indignation
and abhorrence, and the addresses from various quarters which have been presented to me
declare the unshaken attachment of the inhabitants of Nova Scotia to Her Majesty's person
and Government.

I have great pleasure in congratulating you upon the abundant harvest with which it has
pleased Divine Providence to reward the labours of the husbandman, and which has diffused
the blessing of plenty throughout the country.

Mr. Speaker and Gentlemen of the House of Assembly,

The provisional establishment of two distinct Councils, which has recently taken place, and
the despatches which I am instructed to lay before you, afford ample evidence of the gracious
attention that has been paid to the representations which you addressed to the Throne in the
last session.

I earnestly hope that this important alteration of the ancient constitution of the Province
will be attended with all the advantages by which, when you advised the measure, you
expected it would be accompanied.

I have directed the public accounts to be laid before you, and I trust you will find that
the supplies granted to Her Majesty in the last session have been faithfully expended. The
usual estimates of the civil establishment for the present year will be submitted to you, and
I have no doubt of your providing for the support of Her Majesty's Government, and for all
other necessary services, with your usual liberality.

Honourable Gentlemen of the Legislative Council,

Mr. Speaker and Gentlemen of the House of Assembly,

I have great satisfaction in acquainting you, that the revenue last year has increased con-
siderably; the receipts have been more than sufficient to meet all the demands on the
treasury. I feel it my duty to recommend an economical application of our means, by keep-
ing our expenditure within our income.

I most earnestly desire to draw your particular attention to the inefficient state of the
militia; it is not at present what I wish to see it; there is all the good feeling and loyalty
I could

I could
suaded y
discipline
by Govern

It is
enter upon
for which
proved so
My an
and you
increase

To his E
Honour
in and

May

We, H
humbly b
to open t

We pa
most gra
dominion
Province,
memory o
character
the annal

We res
to our au
It gives u
welfare o
its inhabi
affections

The un
faction in
We rejoice
emergency
the hope
on Navy
being dep
aid, may
stayed in

We feel
your Exce
Uniting in
your Exce
present as
own expre

In the c
has diffu
devotion t
Excellency

The inc
are very g
guided by

Agreein
state of ou
ment of its

No effor
legislative
beneficial
us to rely
advance th
Nova Scoti

To his Ex
Honour
in and o

Th

May i
Wz, He

people of I

I could desire. As it is the constitutional defence and security of the Province, I am persuaded you will see the necessity of amending the law now in existence; and the zeal and discipline of 25,000 young and willing sons of your own families ought not to be neglected by Government and the Legislature.

It is the earnest desire and recommendation of Her Majesty's Government that you will enter upon the discharge of your public duties with that spirit of harmony in your proceedings for which the Legislature of this Province has so long been conspicuous, and which has proved so conducive to the best interests of the country.

My anxious wish is to see peace, content and prosperity, prevail throughout the Province; and you may rely upon my cordial co-operation in any measure which can tend to secure and increase these blessings.

To his Excellency Major-General Sir Colin Campbell, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c. &c. &c.

The Address of the Legislative Council.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Nova Scotia, humbly beg leave to thank your Excellency for the Speech with which you have been pleased to open the present Session of the Provincial Parliament.

We participate with your Excellency in the painful feelings which the demise of his late most gracious Majesty King William the Fourth excited throughout his widely-extended dominions. The condescending regard which his Majesty often expressed towards this Province, as the scene where a portion of his early life had been spent, has rendered his memory dear to its inhabitants; while the important events of universal interest which have characterized his reign, will ever give to that portion of our history a conspicuous place in the annals of the Empire.

We respond with the deepest emotion to the sentiments of devoted attachment and fealty to our august Sovereign Queen Victoria, which her accession to the Throne has called forth. It gives us pleasure to remember the warm interest which her late Father ever evinced in the welfare of this Province, where he long resided, associates Her Majesty more readily with its inhabitants; and we feel with your Excellency that her age and sex draw around her the affections of her subjects with deeper interest.

The unhappy events in the Canadas have excited our deep regret; but we find great satisfaction in the assurance that the traitorous attempts of designing men have been suppressed. We rejoice that the gallant militia of Upper Canada met in so distinguished a manner the emergency which called their loyalty and courage into exercise; and indulge with pleasure the hope your Excellency affords us that the desperate band of wicked and misguided men on Navy Island, still found in opposition to the just authority of Her Majesty and the laws, being deprived through the intervention of the Government of the United States of foreign aid, may speedily be dispersed, and the miseries of violence and disorder be altogether stayed in our sister colonies.

We feel happy that the addresses from numerous parts of the Province have conveyed to your Excellency declarations of unshaken loyalty to Her Majesty's person and Government. Uniting in our body members from various parts of the Province, we are enabled to assure your Excellency, that such is the universal feeling of Nova Scotia; nor can we fail to use the present as a fit occasion to tender to Her Majesty, in unison with our fellow-subjects, our own expressions of similar sentiments.

In the congratulations expressed by your Excellency on the late bountiful harvest which has diffused prosperity through the land, and is the just cause of the liveliest gratitude and devotion to the Almighty Giver of all our blessings, we most cordially unite with your Excellency.

The increase of the revenue, and the faithful discharge of all demands upon the Treasury, are very gratifying. In the application of our augmented resources we shall not fail to be guided by your Excellency's recommendation for their economical expenditure.

Agreeing as we entirely do in the sentiments expressed by your Excellency regarding the state of our militia, we shall readily adopt any measures that may be devised for the improvement of its discipline and the increase of its efficiency.

No effort on our part shall be wanting to ensure harmony in the performance of our legislative labours, deeply convinced that, conducted in such a spirit alone, they will be beneficial to the Province; and your Excellency's administration of the government enables us to rely with perfect confidence upon your co-operation in every measure which may advance the interests, and promote the peace, happiness, and prosperity, of the people of Nova Scotia.

To his Excellency Major-General Sir Colin Campbell, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c. &c. &c.

The humble Address of the House of Representatives in General Assembly.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Representatives of Her Majesty's loyal people of Nova Scotia, thank your Excellency for the speech with which you have been pleased

No. 32.
Sir C. Campbell
to Lord Glenelg,
5 February 1838.

Encl. in No. 32.

pleased to open the present session, and condole with your Excellency on the demise of our late gracious sovereign William the Fourth, whose blessed memory is endeared to the people of Nova Scotia by the paternal attachment he extended towards its inhabitants, among whom he spent part of his early life. The accession to the Throne of the British empire of his august niece, Queen Victoria, daughter of his Royal Highness the late Duke of Kent, has been hailed throughout her extensive dominions with rapturous and enthusiastic loyalty; and her youth and sex have no where a stronger claim to attachment than in this Province, where the memory of her illustrious father is gratefully cherished.

The regret we feel for the recent insurrection in the Canadas is mitigated by a knowledge that it has been suppressed in the Lower Province; and we feel proud that the constitutional force of the Upper Province has defeated the traitorous attempt to cast off British allegiance; and are gratified to learn that the Government of the United States is determined to adhere to the pacific treaties subsisting between the two nations, and to preserve that neutrality which may leave the desperate band of conspirators encamped at Navy Island no alternative but submission to a just and indignant Government.

The attachment of Nova Scotians to Her Majesty's person and Government has ever been unshaken, and recent events have only caused it to be more openly and frequently expressed.

We are pleased to hear from your Excellency that the blessings of Divine Providence have produced an abundant harvest, and that the labours of the husbandman throughout the country have been rewarded with plenty.

We are disposed to view the provisional establishment of two distinct Councils as evidence of the gracious attention which has been paid to the representation addressed by this Assembly to the Throne during the last session; and it shall not be our fault if this important alteration is not attended with all the advantages by which, when we advised the measure, we expected it would be accompanied.

We thank your Excellency for directing the public accounts to be submitted to us; and you may rely on our disposition to provide for the necessary support of Her Majesty's Government.

We are happy to learn that the revenue has considerably increased during the past year, and that the receipts have been more than sufficient to meet all the demands on the Treasury. The recommendation of an economical application of our means we feel is founded on an enlightened view of the wants and resources of this young country, and your Excellency may be assured that it shall be our constant endeavour to keep the expenditure of the Province within its income.

The Militia Law, to a revision of which your Excellency has called our attention, was framed upon the conviction that the old system, while it was burthensome to the country, was productive of no corresponding advantage, the time which was devoted to trainings being insufficient to communicate discipline or military skill. Should we find, however, anything in the present aspect of the times, or in the events which have occurred during the recess, to require, or the adoption of more efficient enactments, your Excellency may rely that, while we endeavour to husband our resources, we shall sufficiently evince our anxiety to secure the peace and strengthen the constitutional defences of the Province.

At a time when neighbouring colonies are only recovering from the effects of civil strife, it shall be our pride to respond to the earnest desire and recommendation of Her Majesty's Government by entering upon the discharge of our public duties with that spirit of harmony for which the Legislature of this Province has long been conspicuous, and which has proved so conducive to the best interests of the country.

We feel assured that it is your Excellency's anxious wish to see peace, content and prosperity prevail throughout the Province, and will labour to co-operate with your Excellency in every measure which can tend to secure and increase those blessings.

— No. 33. —

(No. 10.)

No. 33.
Sir C. Campbell
to Lord Glenelg,
31 March 1838.

COPY of a DESPATCH from Major-General Sir Colin Campbell, K. C. B., to Lord Glenelg.

My Lord,

Government House, Halifax, 21 March 1838.

I HAVE the honour to transmit to your Lordship the joint Address of the Legislative Council and House of Assembly of this Province to The Queen, condoling with Her Majesty on the demise of our late most gracious Majesty King William the Fourth, and congratulating Her Majesty on her accession to the Throne; and I have to request that your Lordship will be pleased to present Her Majesty this dutiful and loyal Address.

I have, &c.
(signed) C. Campbell.

W. E.
Assem
the Br
We
empire
King V
lament
domini
We
your h
tion, w
Kent, s
and fri
Reg
the Ca
in us p
in your
protect
subject
Cour
Hou
COP
M
I h
been
hostil
arms
Res
Gover
tion of
other
the P
Assem
nitio
Reso
to him
Ord
be a c

Enclosure in No. 33.

To the QUEEN'S MOST EXCELLENT MAJESTY.

May it please your Majesty,

We, your Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Nova Scotia, in provincial Parliament assembled, hasten to avail ourselves of the first opportunity afforded us of presenting to your Majesty this our humble address.

We condole with your Majesty on the severe and painful loss your Majesty and the empire have sustained since our last session, in the demise of our late most gracious King William the Fourth, remembering with pleasure the kind feelings which our late lamented Sovereign, from his residence amongst us, ever entertained for this portion of his dominions.

We have great satisfaction in offering to your Majesty our united congratulations on your happy accession to the Throne of the British empire, and we recall to your recollection, with equal pleasure, that your Majesty's late father, his Royal Highness the Duke of Kent, also spent some portion of his life in Nova Scotia, of which he was ever the patron and friend.

Regarding with abhorrence the unnatural rebellion of our misguided fellow-subjects in the Canadas against a mild and protecting Government, we can assure your Majesty that in no part of your extensive dominions have you a more devoted or loyal population than in your province of Nova Scotia; and that a benign Providence may ever guard and protect your Majesty, shall be the earnest prayer of your Majesty's dutiful and loyal subjects, the Council and Assembly of Nova Scotia.

(signed) *Sim. B. Robie*, President of Legislative Council.

Council Chamber, 3 February 1838.

(signed) *S. G. W. Archibald*, Speaker of the Assembly.

House of Assembly, 3 February 1838.

— No. 34. —

(No. 14.)

COPY of a DESPATCH from Major-General Sir Colin Campbell, K. C. B., to Lord Glenelg.

My Lord,

Government House, Halifax, 26 March 1838.

I HAVE the honour to transmit to your Lordship a resolution which has just been presented to me by the House of Assembly, authorizing me, in the event of hostilities, to advance from the provincial chest 10,000*l.* for the purchase of arms and ammunition, and for organizing and disciplining the militia.

I have, &c.

(signed) *C. Campbell.*

No. 34.
Sir C. Campbell
to Lord Glenelg,
26 March 1838.

Enclosure in No. 34.

In the House of Assembly, 24 March 1838.

Encl. in No. 34.

Resolved unanimously, as the opinion of this House, That his Excellency the Lieutenant-Governor be authorized by and with the advice of the Executive Council, on any declaration of war by the Government of the mother country against the United States, or any other foreign power, or by any such powers against her, or upon any hostile invasion of the Province, to advance from the provincial chest during the recess of the General Assembly, a sum not exceeding 10,000*l.*, to be expended in the purchase of arms, ammunition, and accoutrements, and organizing and disciplining the militia.

Resolved, That a committee be appointed to wait upon his Excellency, and communicate to him the foregoing resolutions.

Ordered, That Mr. Howe, Mr. Fairbank, Mr. Morton, Mr. Chipman, and Mr. Goudge, be a committee for the above purpose.

(signed) *J. W. Nidden*, Clerk.

NEW BRUNSWICK.

NEW
BRUNSWICK.

No. 33.

Sir J. Harvey
to Lord Glenelg,
17 December 1837.

— No. 35. —

EXTRACT of a DESPATCH from Major-General Sir John Harvey, K.C.H., to
Lord Glenelg, dated Government House, Fredericton, 17 December 1837.

I do not know that I can more briefly or more fully possess your Lordship of the actual state of affairs and of public feeling in this Province than by the transmission of the copy of a letter which I yesterday addressed to Lieutenant-general Sir John Colborne.

The universal feeling of loyal enthusiasm which pervades the people of this Province is scarcely to be described. I have accordingly been encouraged by it confidently to offer to his Excellency the Governor-in-chief whatever amount of militia aid may be required by Lower Canada; my hope and impression, however, are, that the check given to the rebel cause by Lieutenant-colonel Wetherall's success at St. Charles, and the corresponding encouragement thereby given to the well-affected in that Province, will induce them to come forward in number sufficient to render unnecessary any militia assistance from the surrounding provinces; from this I can only assure Her Majesty's Government that it would be afforded with enthusiasm.

P. S.—This paper will convey to your Lordship an idea of the tone and spirit of some of the addresses, and of the manner in which they have been received and answered by me.

Fredericton, 18 December 1837.

(signed) J. H.

Enclosure 1, in No. 35.

Government House, Fredericton,
16 December 1837.

SIR,
I HAVE the satisfaction of acquainting your Excellency, that the last division of the 43d light infantry left Fredericton this morning, the leading company (under Lieut.-colonel Booth) being this day at the entrance of the Timasquata Lake: the 85th follows by grand divisions, and will have passed Fredericton on Wednesday next, the 20th. These two regiments, accompanied by three pieces of light ordnance, viz. two 12-pound carronades and a cohort, which I have caused to be mounted on sleighs, for the object of overcoming any obstacle which may be opposed to the advance of the troops at any of the villages on the right bank of the St. Lawrence, without incurring the loss which might attend the forcing of such positions by infantry alone, may be expected to reach Quebec about the 1st January.

I am instructed by Sir Colin Campbell to hold the 34th in readiness to follow the 43d and 85th, upon your Excellency's requisition; and as I have summoned the Legislature to meet on the 28th instant for the purpose of offering to their loyal fellow-subjects in Canada, and to the Royal authority, something beyond the mere expression of their sympathies with the one and their attachment to the other, I do not entertain a doubt of being empowered by the representatives of this truly loyal people, to embody and lead to the neighbouring Province, such numbers of the militia of New Brunswick as your Excellency and the civil authorities of Lower Canada may require, whether for the purpose of assisting in forming the garrison of Quebec, and thereby rendering the whole of the Queen's troops disposable, or of being elsewhere employed in maintaining Her Majesty's authority, by checking and controlling any seditious or rebellious movements in the parts of Lower Canada adjoining to this Province; in a word, in any manner in which their services and my own can be rendered useful to the Royal cause, I can depend upon the loyalty of the people of this Province to a man.

His Excellency
Lieut.-general Sir John Colborne, K.C.H.I have, &c.
(signed) J. Harvey, Major-general,
Lieut.-governor.The following
InhabitantsHis Excellency
Hanoverian, (2)
the Bath, Lie
Brunswick, &c.

May it please
Wm, the magi
the province of
when the stand
the valuable liv
endeavouring to
high value we p
we are satisfied
Convinced th
fectious and des
tion of Her
maintain an un
communicate th
proceedings, and
abled to bring
ed by a prom
tranquillity.

We offer to y
rying emergenc
in 1783, under
subjects who h
New Brunswick
ed that we are
principles put to

To which his

Gentlemen
I acknowledge
Proceeding from
able in that loy
equivocal, of the
with many othe
stingly to com
Majesty's subje
the legislative
Majesty's loyal
son of a large b
that Province
ary for me to s
using under fee

Government
12 Dec. 18

Copy of a

My Lord
HEREWITH
I opened the
together with th
answer, with
copies of reso
Francis Head,
suppression by
insurrection
letter to Sir F

357.

Enclosure 2, in No. 35.

The following Address, signed by the Chief Justice and a large number of the principal inhabitants of St. John, was presented to the Lieutenant-governor on Tuesday last:

His Excellency Major-general Sir John Harvey, Knight Commander of the Royal Hanoverian Guelphic Order, and Companion of the Most Honourable Military Order of the Bath, Lieutenant-governor and Commander-in-Chief in and over the Province of New Brunswick, &c. &c. &c.

May it please Your Excellency,

We, the magistrates and the principal inhabitants of the city and county of St. John, in the province of New Brunswick, deem it our indispensable duty, at a time like the present, when the standard of sedition and rebellion is openly raised in Lower Canada, and when the valuable lives of Her Majesty's loyal subjects have been wantonly destroyed while endeavouring to arrest some of the treasonable authors, to express to your Excellency the high value we place on the inestimable privilege we enjoy as British subjects, and which we are satisfied pervades all classes of Her Majesty's subjects in this colony.

Convinced that the great body of insurgents in Lower Canada are deluded by a few seditious and designing men, who aim at nothing less than the dismemberment of that fair portion of Her Majesty's dominions from the British empire, and who have contrived to maintain an uncontrolled sway over a part of the ignorant peasantry; we know not how to communicate the great indignation we feel at the instigators and abettors of these treasonable proceedings, and earnestly hope that the constituted authorities of the country will be enabled to bring immediately into active service such a force as will put down the rebellion, and by a prompt, firm, and energetic punishment of the ringleaders, restore public tranquillity.

We offer to your Excellency our services in any way that they may be required in this trying emergency. Composed, as we are, of the descendants of men who settled this colony in 1783, under circumstances which can never be forgotten, and of loyal and constitutional subjects who have adopted it since that period, we need not assure your Excellency that New Brunswick glories in her loyalty to her Queen, and devotion to the British constitution, and that we are heartily ready and willing at all times to have these sacred feelings and principles put to the test, whenever the public good requires it.

To which his Excellency was pleased to make the following reply:

Gentlemen,

I acknowledge with feelings of pride and pleasure, your truly loyal and patriotic address. Proceeding from such a community, and bearing the signatures of all that is most respectable in that loyal city, I feel that I may justly consider this address as an index, nothing equivocal, of the general feeling of the population of the Province. Taking it in connection with many others which have lately reached me, I deem myself warranted, not only unhesitatingly to commit the protection of the Province, and of the lives and property of Her Majesty's subjects within it, to its loyal militia; but also (in the confident anticipation of the legislative sanction) to tender, through his Excellency the Governor-in-Chief, to Her Majesty's loyal subjects in Lower Canada, not the sympathies only, but the actual co-operation of a large body of the militia of New Brunswick, in the suppression of the insurrection in that Province; and should their services be required or accepted, I trust that it is unnecessary for me to say, that I should glory in placing myself at the head of a volunteer force, acting under feelings and upon principles of so high and noble a character.

Government House,
12 Dec. 1837.

(signed) J. Harvey, Lieutenant-governor.

— No. 36. —

COPY of a DESPATCH from Major-General Sir John Harvey, K. C. H., to Lord Glenelg.

Government House, Fredericton,
10 January 1838.

My Lord,

HEREWITH I have the honour to transmit a copy of the Speech with which I opened the session of the Legislature of this Province on the 29th ultimo, together with the Addresses of the Legislative Council and House of Assembly in answer, with my replies. To these documents I have the satisfaction of adding copies of resolutions, unanimously concurred in by both Houses, thanking Sir Francis Head, and the gallant militia of Upper Canada, for their conduct in the suppression by them, unaided by any portion of Her Majesty's troops, of the late insurrection in the neighbourhood of Toronto; to these I annex a copy of my letter to Sir F. B. Head, transmitting the resolutions.

357.

F F 3

The

No. 35.

Sir J. Harvey
to Lord Glenelg,
17 December 1837.

Encl. 2, in No. 35.

ey, K.C.H., to
mber 1837.

ur Lordship of
n by the trans-
tenant-general

people of this
ncouraged by
tever amount
d impression,
tenant-colonel
ment thereby
come forward
from the sur-
ernment that

one and spirit
een received

J. H.

Fredericton,
1837.

on of the 43d
Lieut.-colonel
ows by grand
ese two regi-
onades and a
ercoming any
llages on the
d the forcing
out the 1st

the 43d and
ture to meet
Canada, and
hies with the
npowered by
ouring pro-
nd the civil
y in forming
disposable,
necking and
a adjoining
own can be
ople of this

-general,
-governor.

No. 36.

Sir J. Harvey
to Lord Glenelg,
10 January 1838.

NEW
BRUNSWICK.

No. 36.
Sir J. Harvey
to Lord Glenelg,
10 January 1838.

218

CORRESPONDENCE RELATIVE TO THE

The Legislature of this Province has introduced a Bill, which is now passing through its stages, for placing at my disposal an adequate force of militia volunteers, for the object of giving assistance, if required, to the support of the Royal authority in Lower Canada, where, however, Sir John Colborne informs me there is an appearance of entire tranquillity. He seems perfectly aware, however, how much the continuance of that state of things is contingent upon the issue of events now passing on the frontiers of Upper Canada.

Sir John having made a further requisition for troops, I have lost no time in pushing forward all the Queen's troops in this Province, consisting of a company of Royal artillery (Major Pringle's), and the two flank companies (completed to 150 men) of the 34th regiment. The remainder of that regiment will follow as soon as it arrives from Halifax, at which place, I am informed by Sir Colin Campbell, it was to embark, together with a wing of the 65th regiment, on Monday last, on board H. M. ship Cornwallis, for St. John's, and as the wind has been favourable, I think it probable that they are by this time arrived.

I feel all the importance of the Lieutenant-general commanding in Canada being enabled to throw at least two regiments, with a strong force of artillery, into the Upper Province, as I understand to be his Excellency's intention. I shall therefore forward the 34th by forced marches.

I am happy to be enabled to report the arrival at Quebec of the 43d and 85th regiments, with their two 12-pounder carronades, not only without any untoward circumstance, but without any interruption or derangement of the arrangements made for their movement.

I have, &c.

(signed) John Harvey, Lieut.-governor.

Enclosure 1, in No. 36.

Encl. 1, in No. 36.

Fredericton, New Brunswick, Legislative Council Chamber,
Friday, 29 December 1837.

This day, at twelve o'clock precisely, his Excellency the Lieutenant-governor proceeded in state to the Council Chamber, and being seated on the throne, the Gentleman Usher of the Black Rod was directed to command the attendance of the House of Assembly; the House attended accordingly, and presented the Honourable Charles Simonds, their Speaker elect, who having been approved, his Excellency was pleased to deliver the following speech:—

Mr. President and Honourable Gentlemen of the Legislative Council,
Mr. Speaker and Gentlemen of the House of Assembly,

The loss which the nation has sustained in the death of his late Majesty William the Fourth, of revered memory, has been followed by an exhibition of national feeling from which every loyal subject in our widely-extended colonial empire will not fail to derive both consolation and satisfaction. I refer to that unequivocal manifestation of deep-rooted veneration for its ancient monarchical institutions which simultaneously burst forth in expressions of the most ardent loyalty from every part of the mother country upon the occasion of the accession of Her Majesty Queen Victoria to the Throne of these realms. That this enthusiastic loyalty found an echo in the breasts of the inhabitants of this Province is my most cheering persuasion; the more especially, as the particular object for which I have deemed it my duty to call you together, at this early period, is to invite your attention to the lamentable state to which the treasonable and rebellious proceedings of a certain portion of its deluded inhabitants have reduced the neighbouring Province of Lower Canada. The disaffected having availed themselves of a season of the year when succours from the mother country are believed to be excluded by the rigour of the climate, it appears to be in a more especial manner incumbent upon Her Majesty's loyal subjects in the surrounding colonies to stand forward, not with the mere expression of their sympathies, but, if required, in active support of the Royal authority, and in aid of their loyal fellow-subjects in Lower Canada, now contending against the desperate efforts of a revolutionary faction, for the preservation, to themselves and their descendants, of the inestimable blessings of British connexion. The mode and extent of this aid your own loyalty and wisdom will best devise; for myself I will only add, that my individual services, in the furtherance of such an object, shall be afforded with all the energy of which I am capable, and in any manner in which it may be considered that they can best promote it. I cannot, upon this occasion, refrain from expressing my high admiration of the unchanged loyalty and gallantry of the militia of our sister colony of Upper Canada, evinced in the prompt suppression by them, unaided by any portion of Her Majesty's troops, of the revolutionary outbreak which was attempted by some misguided persons in that Province.

Mr.

Mr. Spe
The treasur
nation in reg
expedition, at
provide for th
deemed to req

Mr. Pres
Mr. Spea
Several imp
revenues will
duty to declar
and happiness
Majesty was
acious Sovere

To his Exc
Hanoverian
the Bath, I
wick, &c.

The hu
May it p
We, Her M
return our th

Deeply im
the British E
of his late M
derive consol
rooted vener
in expression
Her Majesty
We sincere

Canada has
deluded inha
ing colonies,
will cheerfu
in active sup
of a revoluti
inestimable
we shall mos
expedient for

We highl
offered in fu
been disting

We cordia
and gallantr
unaided effo
unchanged d
the mother c

We thank
nected with
message.

We receiv
same lively
which perva
them, will be

To which

Mr. Pro
The sentin
them to be,
population o
viction, that
loyalty to th
in New Bru
As Her
Honourable

Governm
357.

which is now passing force of militia volunteer support of the John Colborne informs perfectly aware, how contingent upon the

have lost no time in consisting of a company of volunteers (completed to a regiment will follow formed by Sir Colin the 66th regiment, on n's, and as the wind is time arrived. manding in Canada ng force of artillery, lency's intention. I

of the 43d and 85th without any untoward of the arrangements

ave, &c.

pey, Lieut.-governor.

re Council Chamber, 1837.

nt-governor proceeded Gentleman Usher of the Assembly; the House is, their Speaker elect, following speech:—

ceil.

Majesty William the nal feeling from which to derive both conso- deep-rooted veneration irth in expressions of the occasion of the s. That this enthusi- Province is my most which I have deemed your attention to the f a certain portion of Lower Canada. The ous from the mother pears to be in a more surrounding colonies if required, in active ts in Lower Canada, for the preservation, ish connexion. The use; for myself I will et, shall be afforded it may be considered n expressing my high our sister colony of y any portion of Her by some misguided

Mr.

AFFAIRS OF LOWER CANADA, &c.

219

NEW
BRUNSWICK.

No. 36.
Sir J. Harvey
to Lord Glenelg,
10 January 1838.

Encl. 1, in No. 36.

Mr. Speaker and Gentlemen of the House of Assembly,

The treasurer's accounts, and all other documents which may be necessary for your information in regard to the finance of the Province, shall be laid before you with all practicable expedition, and I rely with entire confidence upon your accustomed zeal and liberality to provide for the ordinary services, and for all the other objects of public utility which may be deemed to require the bounty of the Legislature.

Mr. President and Honourable Gentlemen of the Legislative Council,

Mr. Speaker and Gentlemen of the House of Assembly,

Several important despatches connected with the recent arrangements of the provincial revenues will be made the subject of separate messages; in the meantime it is my pleasing duty to declare to you, that the same sentiments of lively solicitude to promote the interests and happiness of the people of this Province which pervaded every act by which his late Majesty was known and endeared to them, will be found to influence our present most gracious Sovereign.

Enclosure 2, in No. 86.

To his Excellency Major-general Sir John Harvey, Knight Commander of the Royal Hanoverian Guelphic Order, and Companion of the Most Honourable Military Order of the Bath, Lieutenant-governor and Commander-in-chief of the Province of New Brunswick, &c. &c. &c.

The humble Address of Her Majesty's Legislative Council in General Assembly.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council in General Assembly, Encl. 2, in No. 36. return our thanks for your Excellency's speech at the opening of the present session.

Deeply impressed with those feelings which pervade the breast of every loyal subject of the British Empire, while we deplore the loss which the nation has sustained by the death of his late Majesty King William the Fourth, of revered memory, we at the same time derive consolation and satisfaction from observing those unequivocal manifestations of deep-rooted veneration for its ancient monarchical institutions which simultaneously burst forth in expressions of devoted loyalty in every part of the mother country upon the accession of Her Majesty Queen-Victoria to the Throne of her ancestors.

We sincerely regret the lamentable state to which the neighbouring Province of Lower Canada has been reduced by the treasonable and rebellious proceedings of a portion of its deluded inhabitants; and we feel assured that Her Majesty's loyal subjects in the surrounding colonies, who have already so generally and spontaneously expressed their sympathies, will cheerfully stand forward in aid of the Royal authority, and also, if circumstances require, in active support of their loyal fellow-subjects now contending against the desperate efforts of a revolutionary faction, for the preservation, to themselves and their descendants, of the inestimable blessings of British connexion. For ourselves, we assure your Excellency that we shall most readily and heartily concur in any measures which may be deemed most expedient for the accomplishment of these objects.

We highly appreciate the importance of your Excellency's personal services so zealously offered in furtherance of those purposes, more especially as your Excellency has already been distinguished on a former memorable occasion in the history of the Canadas.

We cordially participate in the admiration expressed by your Excellency of the loyalty and gallantry of the militia of Upper Canada; and we view the prompt suppression, by their unaided efforts, of the late disturbances in that colony, as an unequivocal proof of the unchanged determination of its inhabitants to maintain and perpetuate their connexion with the mother country.

We thank your Excellency for the assurance that several important despatches, connected with the recent arrangements of the provincial revenues, shall be laid before us by message.

We receive with emotions of profound gratitude your Excellency's declaration, that the same lively solicitude to promote the interest and happiness of the people of this Province, which pervaded every act by which King William the Fourth was known and endeared to them, will be found to influence our present most gracious Sovereign.

To which his Excellency was pleased to make the following reply:—

Mr. President and Honourable Gentlemen,

The sentiments so forcibly expressed in this Address, in full accordance, as I firmly believe them to be, not only with those of the other branch of the Legislature, but of the whole population of this Province, cannot fail to convey to our Gracious Queen the gratifying conviction, that in no other portion of Her Majesty's widely-extended dominions are feelings of loyalty to the Throne, and firm attachment to the parent State, more ardently cherished than in New Brunswick.

As Her Majesty's representative in this Province, I thank you, Mr. President and Honourable Gentlemen, for this loyal and dutiful address.

Government House, 9 January 1838.

(signed) J. Harvey, Lieut.-governor.

357.

F F 4

No. 36.
Sir J. Harvey
to Lord Glenelg,
10 January 1838.

Enclosure 3, in No. 36.

The humble Address of the House of Assembly.

Encl. 3, in No 36.

May it please your Excellency,

We, the Representatives of Her Majesty's loyal subjects, the people of New Brunswick, beg leave to express our thanks for your Excellency's speech at the opening of the present session.

We can assure your Excellency that the people of this Province have not failed to derive both consolation and satisfaction from that unequivocal manifestation of deep-rooted attachment to its ancient monarchical institutions which simultaneously burst forth in expressions of the most ardent loyalty from every part of the mother country after the lamented death of our late beloved Sovereign William the Fourth, of revered and glorious memory, and upon the occasion of the accession of Her Majesty Queen Victoria to the Throne of her illustrious ancestors.

The lamentable state to which a portion of its deluded and rebellious inhabitants have reduced the neighbouring Province of Lower Canada, excites within us that fraternal sympathy for our loyal fellow-subjects in that Province, with the mere expression of which we shall not rest satisfied, but shall evince it by our active support of the Royal authority, and in aid of those who are now contending against the desperate efforts of a revolutionary faction, for the preservation, to themselves and their descendants, in common with us all, of the inestimable blessings of British connexion; and although succours from the mother country may be in some degree cut off at this season of the year by the severity of the climate, yet we hope that the prompt and effective manner in which the surrounding colonies shall render assistance to the Government, at this important crisis, will be a sufficient assurance that succours are always at hand, which no rigour of climate can exclude, while a man remains in their loyal provinces to take the field.

We shall apply ourselves with diligence in order to devise the mode and extent of the aid which we can best render to our loyal brethren of Lower Canada; and your Excellency's past conduct in your country's service affords us a most satisfactory guarantee that all the energy by which your Excellency has been heretofore characterized will be readily directed, if required, in that manner which will be best calculated to promote the interests of the Crown, and the security of the country.

We were prepared to learn that the loyalty and gallantry for which the militia of Upper Canada have been so memorably distinguished remain unchanged, and we sincerely hope that the prompt suppression by them, unaided by any portion of Her Majesty's troops, of the revolutionary outbreak, which was attempted by some seditious and deluded persons in that Province, will have a most beneficial influence in future in preventing the repetition of such violent outrages on the peace and good order of society.

We thank your Excellency for the assurance that the treasurer's accounts, and all other documents which may be necessary for our information in regard to the finance of the Province, shall be laid before us, and we hope to merit your Excellency's confidence by the liberal provision which we shall make for the ordinary services, and for all other objects of public utility which may require legislative bounty.

Your Excellency may rest assured, that such communications from Her Majesty's Government as you may be pleased to lay before us, shall receive our best attention; and we would express our high gratification with the pleasing declaration of your Excellency, that the same sentiments of lively solicitude for the prosperity of this Province which pervaded every act of his late Majesty, will be found to influence our present most gracious Sovereign.

To which his Excellency was pleased to make the following reply:—

Mr. Speaker and Gentlemen,

In the name of our gracious Queen, I thank you for this loyal and dutiful address, which leaves me nothing to desire except the ability adequately to express my sense of the noble manner in which you have responded to the appeal which I felt it my duty to make to you in behalf of our loyal fellow-subjects of Lower Canada, and in support of the Royal authority in that Province.

Government House, 2 January 1838.

(signed) J. Harvey, Lieut.-Governor.

Resol
to Sir F
and ener
of Toron

Resol
memoral
affords a
animate
liberties

Resol
the livel
and of o
advanta

Resol
Lieuten
tions to
Resol

Resol
the Hou

Sir
Writ
House
concurr
Upper C
for the
by any
Toronto

In do
embodie
fidence
lency's
regret t
active o

His E
Lie

EXTRA
to I

HER
Lordsh
which
employ
where
the me

The
rages
but yo
be the
Brun

Enclosure 4, in No. 36.

House of Assembly, Friday, 5 January 1838.

Resolved unanimously, That the thanks of this Province are due, and should be presented to Sir Francis Bond Head, and the gallant militia of Upper Canada, for their able, prompt, and energetic suppression of the insurrection which lately took place in the neighbourhood of Toronto.

Resolved unanimously, That the conduct of our fellow-subjects in Upper Canada, on this memorable occasion, so fully in accordance with their former high spirit and character, affords a glorious example to the sister colonies, and cannot fail to quicken the zeal and animate the exertions of every loyal heart in these colonies, in support and defence of the liberties they enjoy under British laws and institutions.

Resolved unanimously, That our fellow-subjects in Upper Canada may rest assured of the lively sympathy of the inhabitants of this Province in their loyalty and patriotic ardour, and of our most zealous co-operation in maintaining the Royal authority, and the inestimable advantages of our connexion with the mother country.

Resolved unanimously, That an humble address be presented to his Excellency the Lieutenant-governor, praying that his Excellency will be pleased to transmit these resolutions to his Excellency Sir Francis Bond Head, Lieutenant-governor of Upper Canada.

Resolved, That the Legislative Council be requested to join in these resolutions.

(signed) Charles P. Wetmore, Clerk.

Legislative Council Chamber, Friday, 5 Jan. 1838.

Resolved unanimously, That this House doth most heartily concur in the resolutions of the House of Assembly on the subject of the insurrection in Upper Canada.

(signed) William Tyng Peters, Clerk.

Enclosure 5, in No. 36.

Government House, Fredericton, New Brunswick,
6 January 1838.

Sir,
With the highest satisfaction I comply with the wishes of the Legislative Council and House of Assembly of this Province, by transmitting to your Excellency resolutions jointly concurred in by those bodies, tendering to your Excellency, and to the gallant militia of Upper Canada, the unanimous thanks of the Legislature and of the people of New Brunswick, for the able, prompt, and energetic suppression by them, and by your Excellency, unaided by any portion of Her Majesty's troops, of the late insurrection in the neighbourhood of Toronto.

In doing this, I beg to add the expression of my warmest concurrence in the sentiments embodied in these resolutions, with the assurance that, while we feel the most entire confidence in the ability of Her Majesty's loyal subjects of Upper Canada, under your Excellency's guidance, to put down rebellion wherever it may show itself, yet we cannot but regret that our remote position with respect to that Province prevents our offering our more active co-operation.

His Excellency Sir F. B. Head, Bart.
Lieut.-governor, Upper Canada.

I have, &c.
(signed) J. Harvey, Major-general,
Lieut.-governor.

— No. 37. —

EXTRACT of a DESPATCH from Major-General Sir John Harvey, K. C. H.,
to Lord Glenelg, dated Government House, Fredericton, 2 February 1838.

HEREWITH I have the honour and the satisfaction of transmitting to your Lordship copy of an Act, to which my assent was given on the 22d ultimo, by which I am empowered to call out and embody 1,200 militia volunteers, to be employed in any part of Her Majesty's possessions in British North America, where their services may be required in support of the Royal authority, and for the maintenance of British connexion.

The favourable character of the recent accounts from the Canadas encourages the hope that the services of this volunteer force may not be required; but your Lordship, the Queen's Government, and Her gracious Majesty, will not be the less gratified by the promptness with which the Legislature of New Brunswick has responded to the appeal which I felt it my duty to make to it,

357.

G G

and

No. 37.
Sir J. Harvey
to Lord Glenelg,
2 February 1838.

NEW
BRUNSWICK.

No. 37.
Sir J. Harvey
to Lord Glenelg.
2 February 1838.

222

CORRESPONDENCE RELATIVE TO THE

and by the truly loyal spirit which has been evinced by the entire population of the Province, during the course of the recent events in Canada. And here I feel it to be an act of justice, which I have the greatest pleasure in performing, towards the people of the neighbouring State of Maine, to state, that not one single act of border inroad or encroachment, or indicating any wish to take advantage of the circumstances in which this and the neighbouring Province of Lower Canada were placed by the outbreak in the latter Province, has been committed, to my knowledge, by any citizen of the State of Maine, or by any other citizens of the United States, upon the frontiers of that State.

Enclosure in No. 37.

Encl. in No. 37. AN ACT in addition to an Act, intituled "An Act to repeal all the Laws now in force for the Organization and Regulation of the Militia, and to make further Provision for the same.—Passed, 22 January 1838.

WHEREAS during the existence of the disturbances, or the reasonable apprehension of the repetition thereof, in the Canadian Provinces, it is expedient that Legislative aid should be immediately afforded, to enable his Excellency the Lieutenant-governor or Commander-in-Chief for the time being to organize one or more battalions of provincial troops, for the support of the Queen's Government in the Canadas, and for the performance of garrison or other duties in this Province:

1. Be it therefore enacted, by the Lieutenant-governor, Legislative Council and Assembly, that from and after the passing of this Act, his Excellency the Lieutenant-governor or Commander-in-Chief of this Province for the time being, by and with the advice and consent of Her Majesty's Executive Council, be and he is hereby authorized and empowered to enrol and organize, in such manner as to the said Commander-in-Chief for the time being may seem meet and proper, from the several regiments of militia in this Province, as many men who may voluntarily enlist as hereinafter mentioned, not exceeding in the whole 1,200 rank and file.

2. And be it enacted, that there be paid to each and every man on enlistment the sum or bounty of 5*l.*, in manner following; that is to say, the sum of 2*l.* 10*s.* on enrolling his name with and putting himself under the command of such person or persons as may be for that purpose appointed by the said Commander-in-Chief for the time being, and the residue or further sum of 2*l.* 10*s.* whenever it shall be made to appear to the satisfaction of the commanding officer that the requisite regimental necessaries have been provided; and that, on receipt of the first sum and enrolment as aforesaid, each and every man shall be thenceforth subject to all the provisions and regulations of the Act of the Imperial Parliament, made and passed in the seventh year of the reign of his late Majesty King William the Fourth, intituled "An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their quarters," and of the rules and articles for the better government of Her Majesty's forces, founded upon and in accordance with the aforesaid Act.

3. And be it enacted, that the said bounty-money shall be paid out of the Province Treasury, by warrant under the hand and seal of his Excellency the Lieutenant-governor, by and with the advice and consent of the Executive Council: provided that no further sum be granted out of the Province funds, towards the payment of the officers and men contemplated to volunteer and to be enrolled by the provisions of this Act, than the bounties hereinbefore stated.

4. And be it enacted, that from and after the enrolment and organisation of the said corps, or so soon after the commencement thereof as may be thought proper, the said corps or any part thereof may be marched, as occasion may require, to any part of the British North American colonies.

5. And be it enacted, that in case it shall be deemed necessary to order the aforesaid corps to march beyond the limits of this Province, or in case the said corps should not be raised, and it should be thought advisable, from the absence of the Queen's troops, to call out any portion of the militia for garrison duty, it shall and may be lawful for the Commander-in-Chief for the time being to call out such portion of the militia of this Province, as he may deem necessary for the performance of garrison or other military duty within this Province, the same to be drafted by ballot according to the mode prescribed in and by the 30th section of the aforesaid Act, to which this is an amendment: provided always, that the number of militia to be called out as aforesaid shall not exceed 300 rank and file.

6. And be it enacted, that whenever the said Commander-in-Chief shall think it expedient to order a draft by ballot as aforesaid, volunteers who offer themselves for service may be accepted, and being so accepted shall be subject to the same provisions and regulations as though they had been drafted by ballot.

7. And be it enacted, that the officers, non-commissioned officers, drummers, fifiers, buglers, and privates, so called out for provincial duty as last aforesaid, shall be entitled to the same pay and allowances as the officers, non-commissioned officers, drummers, fifiers, buglers, and privates of Her Majesty's regular troops respectively receive, to be reckoned from the day of their being enrolled until their discharge respectively; and at the time of their

their disch
expenses t
day, toget
drummers,
service, of
called out
the hand a
the time b
8. And
the space
Chief shall
of the saic
to that ef
without th
9. And
passed in t

COPY

My
I HAV
Council
offering
to the T
the lame
In lay
Lordship
sive dom
more fin
Brunswi

The hum

May
We de
has suffer
reversed a
We an
liberal an
liarly ch
In pres
jesty's au
attachme
will evinc
Province
We of
dence, y
subjects,

NEW
BRUNSWICK.

No. 37.

Sir J. Harvey
to Lord Glenelg,
2 February 1838.

Encl. in No. 37.

their discharge they shall be allowed respectively a number of days' pay to defray their expenses to their usual place of residence within the Province, at the rate of 15 miles per day, together with an additional bounty to each man of the non-commissioned officers, drummers, fifers, buglers, and privates, who shall have served faithfully during their term of service, of 2*l.* 10*s.*, which pay and bounty for the said last-mentioned corps, so to be called out as last aforesaid, shall be paid out of the Province Treasury, by warrant under the hand and seal of his Excellency the Lieutenant-governor or Commander-in-Chief for the time being, by and with the advice and consent of the Executive Council.

8. And be it enacted, that this Act shall continue and be in full force and effect for the space of two years, from and after the passing thereof, and if the said Commander-in-Chief shall think proper to discharge the said corps, or either of them, before the expiration of the said term of two years, it shall and may be lawful for him so to do by general order to that effect: provided always, that the said first-mentioned corps be not discharged without the limits of this Province.

9. And be it enacted, that this Act may be altered or amended by any Act or Acts to be passed in this Session of the Legislature.

— No. 38. —

(No. 7.)

COPY of a DESPATCH from Major-General Sir John Harvey, K. C. H., to
Lord Glenelg.

Government House, Fredericton,
6 February 1838.

My Lord,

I HAVE the honour herewith to transmit a joint Address from the Legislative Council and House of Assembly of this Province to our Gracious Sovereign, offering to Her Majesty the homage of their congratulations upon her accession to the Throne, and the expression of their condolence with Her Majesty upon the lamented death of His Majesty William the Fourth.

In laying this dutiful and loyal Address at the foot of the Throne, I pray your Lordship to assure our Gracious Queen, that in no part of Her Majesty's extensive dominions does there exist a people more truly loyal to Her Majesty, and more firmly attached to British connexion, than are the people of New Brunswick.

I have, &c.

(signed) John Harvey, Lieut.-governor.

Enclosure in No. 38.

To the QUEEN's Most Excellent Majesty.

The humble and dutiful Address of the Legislative Council and House of Assembly of the Province of New Brunswick, in General Assembly.

May it please Your Majesty,

We deeply participate with your Majesty in the severe affliction which your Majesty has suffered by the lamented death of your Majesty's beloved uncle, our late Sovereign of revered and glorious memory.

We assure your Majesty, that we shall ever remember with affection and gratitude the liberal and enlightened policy with regard to the people of this Province, which so peculiarly characterised the reign of his late Majesty King William the Fourth.

In presenting to your Majesty our humble and heartfelt congratulations on your Majesty's auspicious accession to the Throne, we desire to record the expression of our devoted attachment to your Majesty's sacred person, and our entire confidence that your Majesty will evince the same lively solicitude for the welfare and protection of your people in this Province, which so conspicuously distinguished your Royal predecessor.

We offer our fervent aspirations, that, under the favour and guidance of Divine Providence, your Majesty may long continue to reign in the hearts and affections of all your subjects, throughout your Majesty's widely extended dominions.

(signed) Ward Chipman, Pr. Leg. Council.
Charles Simonds, Speaker of the Assembly.

Encl. in No. 38.

NEW
BRUNSWICK.

No. 39.

Sir J. Harvey
to Lord Glenelg,
9 March 1838.

— No. 39. —

Copy of a DESPATCH from Major-General Sir John Harvey, K. C. H., to
Lord Glenelg.Government House, Frederickton, New Brunswick,
9 March 1838.

My Lord,

An unexpected opportunity having presented itself, I avail myself of it, for the purpose of transmitting to your Lordship copy of the speech with which I shall close the session of the Legislature of this Province at one o'clock this day; and I beg leave, in an especial manner, to invite your Lordship's attention to the joint Address noticed by me in the concluding paragraph of the speech, presented to me after my speech was written, and, in fact, within the last half hour.

If anything had been wanting to prove to our gracious Queen, to Her Majesty's Government, to their loyal fellow-subjects of these colonies, and to the whole world, the ardent spirit of loyalty and of British feeling by which the inhabitants of New Brunswick are animated, this Address would have afforded that proof; and I cannot doubt that your Lordship will derive a high degree of satisfaction in laying at Her Majesty's feet this evidence of the grateful sense which her royal subjects of New Brunswick entertain of the blessings of British connexion.

With respect to the temper and feeling in which the legislative duties of the session have been conducted, it might be sufficient for me to refer your Lordship to my speech on closing it; but I will add, that every suggestion and recommendation, which I have deemed it my duty to make to them; has been received in a spirit of the most evident desire to meet my wishes, and full effect has been given to all the most prominent and important of these suggestions, such as the salary for a "Master of the Rolls," the vote for a "Lunatic Asylum," a sum for the purchase of Elementary School Books, inculcating sound principles and true loyalty, &c. &c.

I am proud of the people over whom I have been appointed to preside.

I have, &c.

(signed) John Harvey, Lieut.-governor.

Enclosure 1, in No. 39.

Legislative Council Chamber, March 9.

At half-past one o'clock his Excellency the Lieutenant-governor came to the Council Chamber, and being seated on the throne, the Gentleman Usher of the Black Rod was sent to command the attendance of the House of Assembly, when his Excellency closed the session of the Legislature with the following speech:—

"Mr. President and Hon. Gentlemen of the Legislative Council,—

"Mr. Speaker and Gentlemen of the House of Assembly,—

"On behalf of our gracious Queen, I renew to you my thanks for the manner in which you responded to the appeal which I felt it my duty to make to you at the opening of the session, and for the effectual provision which you so promptly made for the purpose of giving support to the Royal authority, and aid to your loyal fellow-subjects in the sister Province, recently the scene of revolt.*

"My acknowledgments are further due to you for the attention which you have paid to the general business of the session, as well as to those subjects which I have from time to time brought under your consideration. Intimately acquainted as you necessarily are with the actual condition of the Province, I do not allow myself to doubt that those questions have been disposed of in the manner most accordant with its true interests.

"I thank

* One of the first acts of the session was to authorize the Lieutenant-governor to raise a body of 1,200 militia volunteers, for service in any part of British America, in support of Royal authority, &c.

"I thank
supplies
a suitable
own name
great altar
in the the

"It on
priations
to, me to
expense t

"Upon
wish to re
gerized all

"The I
spirit of t
occasions
your dete

"In rel
satisfacti
or whene
convened

"In co
tion, whic
the purpo
affairs no
lawless a
Lower Ca
connexion
Province.

"Gentl
jects of t
crisis be

"For
repose in
soil from
truly Brit
vocally ev

WHERE
render it
the Queen
And w
expression
its inhabi

Therefo
Lieutenan
hostilities
Council,
emergenc
may appo
And fu

NEW
BRUNSWICK.

No. 39.
Sir J. Harvey
to Lord Glenelg,
9 March 1838.

Encl. 1, in No. 31.

"I thank you, in Her Majesty's name, for the liberality with which you have granted the supplies for the various exigencies of the public service, and more especially for having made a suitable provision for the important office of Master of the Rolls; and I will add in my own name, and in that of my successors in the administration of this government, for the great attention which has been paid to the accommodation of Her Majesty's representative, in the thorough repairs made, and furniture added, to the Government house.

"It only remains for me to assure you, that it will be my endeavour to apply your appropriations to their respective objects, with a due attention to that just economy which appears to me to consist in giving the fullest effect to the service in view, without unnecessary expense to the public.

"Upon the result of your joint labours I offer you my congratulations, and, above all, I wish to record my approbation of that spirit of cordiality and unanimity which has characterized all your proceedings.

"The legislative duties of the session appear to me to have been conducted in the true spirit of that revered constitution to which the people of this Province have on so many occasions shown their zealous attachment, and which I am convinced it will be your care and your determination to transmit unimpaired to your descendants.

"In releasing you from further attendance upon your legislative duties, I look forward with satisfaction and confidence to again meeting you in provincial Parliament at the usual period, or whenever the state of public affairs may appear to me to require that you should be convened.

"In concluding this address, I advert with feelings of proud emotion to your joint resolution, which has just been presented to me, placing at my disposal the sum of 10,000*l.* for the purpose of enabling me to meet any emergency which may arise out of the state of affairs now existing betwixt the British and American Governments, in consequence of the lawless and hostile proceedings of the armed banditti by which the frontiers of Upper and Lower Canada are threatened from the United States, and for the object of preserving that connexion with the mother country which is so warmly cherished by the inhabitants of this Province.

"Gentlemen,—By England's Queen, by the British people, and by your loyal fellow-subjects of these and every other colony of this vast empire, will your noble conduct at this crisis be duly appreciated.

"For myself, I can no otherwise repay the confidence which you have been pleased to repose in me than by devoting my utmost energies to the glorious cause of preserving our soil from violation by hostile foreigners, and of maintaining to the loyal inhabitants of these truly British colonies the blessings of British connexion, for which they have so unequivocally evinced their attachment and preference."

Enclosure 2, in No. 39.

RESOLUTION placing 10,000*l.* at the disposal of His Excellency.

House of Assembly, 8 March 1838.

WHEREAS the present state of the American frontier of Upper and Lower Canada may render it incumbent on the British Government to adopt hostile measures for the security of, the Queen's dominions, and the preservation of the national honour:

And whereas this Province should come forward on this occasion, with such unequivocal expressions of loyalty and zeal, as would do justice to the well-known character and spirit of its inhabitants;

Therefore, resolved unanimously, that an humble address be presented to his Excellency the Lieutenant-governor, setting forth, that, in the event of any necessity arising from a state of hostilities, his Excellency be authorized, by and with the advice and consent of the Executive Council, to draw from the province treasury a sum not exceeding 10,000*l.*, to meet any emergency which the public interests of this Province, or the welfare of the British colonies, may appear to require; and that this House will make provision for the same.

And further resolved, that the Legislative Council be requested to join in the address.

(signed) Charles P. Wetmore,
Clerk to the Assembly.

M. W. Tyng Peters,
Government Secretary to the Legislative Council.

No. 40.
Sir J. Harvey
to Lord Glenelg,
13 March 1838.

— No. 40. —

(No. 11.)

COPY of a DESPATCH from Major-General Sir John Harvey, K. C. H., to
Lord Glenelg.

Government House, Fredericton, New Brunswick,
13 March 1838.

My Lord,

By desire of the House of Assembly of this Province, I have the honour to transmit resolutions adopted by that body, in consequence of an address or appeal made to it (in common with the other branches of the Legislature of the Province), by the "Constitutional Society" of Montreal; I also enclose copy of the answer which was returned by me to the address of that society, together with the address itself.

I have, &c.

(signed) J. Harvey, Deputy-Governor.

Enclosure 1, in No. 40.

House of Assembly, 9 March 1838.

Encl. 1, in No. 40.

1. Resolved, That this House is duly impressed with the forcible appeal of the Constitutional Association of the city of Montreal, in Lower Canada, on behalf of the loyal inhabitants of British and Irish origin, resident in that Province.

2. That this House doth most sincerely sympathize with those loyal brethren, and doth unfeignedly regret the unfortunate position in which they have been placed by a revolutionary French faction, professedly bent on the dismemberment of that valuable and important colony from the British empire.

3. That the accomplishment of such a daring and wicked design would not only be destructive of the rights and interests of the British population of that Province, but would also endanger that strong connexion so happily existing between the other American colonies and the mother country, and in the opinion of this House would be regarded as a grievous calamity by every virtuous and enlightened citizen of the neighbouring Republic.

4. That while this House doth freely admit that sufficient causes may have heretofore existed to have justified an appeal to the Home Government, for an enlargement of the constitutional powers of the representatives of the people of that Province; yet it doth, at the same time, entertain the opinion that the extravagant claims made by the Assembly, and so pertinaciously reiterated, were such as never could have been complied with, without giving up to the French dominant party the absolute control of the Provincial Government, and thereby inevitably inducing an entire frustration of British interests, and the abandonment of the Province by British inhabitants.

5. That being deeply impressed with the relative importance and value of that Province as an integral portion of the British American possessions, it is the opinion of this House, and one which it is called upon at this time to express, that prompt and effective measures should be adopted by Her Majesty's Government, to reform the constitution and customs of that important Province, by assimilating the laws and usages thereof to those of the neighbouring colonies, and by abolishing the French language from all legislative and judicial proceedings.

6. That this House cannot venture to recommend the re-union of the Canadas, without first having ascertained the views of the Legislature of the Upper Province, on that important question.

7. That this House entertains a high sense of the inflexible loyalty which has distinguished such of the French inhabitants as have adhered to the Royal standard through the late rebellion.

8. That an humble Address be presented to his Excellency the Lieutenant-Governor, praying that his Excellency will be pleased to transmit the foregoing resolutions to Her Majesty's Government, to be laid at the foot of the Throne.

9. That his Honor, the Speaker, do transmit a copy of the above resolutions to the Constitutional Association at Montreal.

(signed) Charles P. Wetmore, Clerk of Assembly.

Gentle
I HAVE
done me th
Without
presented b
feelings, co
the extraor
me that up
remedial m
doubt, will
desired by
and protect
loyal subject

The Pres

Petition

To the

The Peti

(Similar to

AFFAIRS OF LOWER CANADA, &c.

227

NEW
BRUNSWICK.

Enclosure 2, in No. 40.

Government House, Fredericton, New Brunswick,
15 January 1838.

No. 40.
Sir J. Harvey
to Lord Glenelg,
13 March 1838.

Gentlemen,

I HAVE the honour to acknowledge the receipt of the representation which you have done me the honour to address to me.

Encl. 2, in No. 40.

Without considering it necessary to offer any observations upon the anomaly which is presented by the discordant nature of the laws, customs, language, tenures, and national feelings, co-existing in the Province of Lower Canada, I will merely observe, that under the extraordinary circumstances in which that Province is at present placed, it appears to me that upon the Imperial Parliament have devolved the right and the duty of applying remedial measures to the existing lamentable state of things. These measures, I cannot doubt, will be such as may be best calculated for effecting the great objects, so ardently desired by our Gracious Queen, of promoting the prosperity, and of effectually guarding and protecting the rights, interests, lives and property, of all classes of Her Majesty's loyal subjects in that important section of the British colonial empire.

I have, &c.

The President and the Secretary of the Montreal }
Constitutional Association.

(signed) J. Harvey.

Enclosure 3, in No. 40.

Petition of the President and Secretary of the Constitutional Association of Montreal.

Encl. 3, in No. 40.

To the Knights, Citizens, and Burgesses of the Province of New Brunswick, in
Provincial Parliament assembled.

The Petition of the undersigned for themselves, and in behalf of the Constitutional
Association of the City of Montreal,

(Similar to the Petition to the Assembly of the Province of Upper Canada, *vide* p. 151.)

PRINCE EDWARD ISLAND.

PRINCE
EDWARD
ISLAND.

No. 41.

Sir C. A. Fitzroy
to Lord Glenelg,
29 January 1838.

(No. 8.)

— No. 41. —

COPY of a DESPATCH from Sir Charles A. Fitzroy, K.H., to Lord Glenelg.

Government House, Prince Edward Island,
29 January 1838.

My Lord,
I HAVE much satisfaction in transmitting to your Lordship a dutiful and loyal Address, agreed to at a very numerous and respectable meeting of the inhabitants of Queen's County in this island, expressive of their loyalty to the Crown, and their abhorrence of the rebellion in the Canadas, with a request that it may be laid at the foot of the Throne.

I have also the honour to transmit, for the same purpose, an Address from the inhabitants of Prince Town, Prince Town Royalty, and vicinity.

I have, &c.
(signed) Charles A. Fitzroy, Lieut.-Governor.

Enclosure 1, in No. 41.

Incl. 1, in No. 41 To His Excellency Sir Charles Augustus Fitzroy, K.H., Lieutenant-governor and Commander-in-Chief in and over Her Majesty's Island, Prince Edward, and its Dependencies, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c.

May it please your Excellency,

We, the inhabitants of Queen's County, fully impressed with a due sense of the abundant blessings imparted to these North American colonies by the British constitution, are filled with astonishment and indignation at the unwarrantable proceedings which have recently taken place in Lower Canada. Your Excellency will likewise give us credit for similar feelings in reference to the rebellious spirit which has also pervaded many deluded people in the Upper Province.

That the success on these occasions has not been equal to the sanguine expectation of the factious demagogues and their revolutionary parties, must be attributed, under Providence, to the well-displayed loyalty and zeal of the better part of Her Majesty's subjects, both civil and military, in Lower Canada, and to the prompt and energetic measures of the Government and gallant militia at Toronto.

In requesting your Excellency to convey to the foot of the Throne our heartfelt expressions of fidelity and attachment to our beloved Queen and the British constitution, we avail ourselves of the opportunity afforded us, of acknowledging our gratitude to Her Majesty for her appointment of a lieutenant governor so experienced and willing, as far as our strength and numbers admit, to apply that strength in any emergency to assist in upholding the dignity of the Crown, and for the better security of this part of Her Majesty's dominions.

By order and on behalf of the meeting,
Charlotte Town, 18 January 1838. (signed) John Barrow, Chairman.

Enclosure 2, in No. 41.

Encl. 2, in No. 41. To His Excellency Sir Charles Augustus Fitzroy, K.H., Lieutenant governor and Commander-in-Chief in and over Her Majesty's Island, Prince Edward, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c.

May it please your Excellency,

THE inhabitants of Prince Town, Prince Town Royalty, and vicinity, deeply regretting the unfortunate situation of affairs presently existing in the Canadas, where rebellion against their lawful Sovereign, among a number of misguided and deluded men, so much prevails; have, at a public meeting this day convened unanimously, declared not only their loyalty

loyalty and
mination to
empire, of w

Deeply
under the B
piness which
Prince Tow
beloved So
also that the

Prince T
20 Jan

COPY of

My L
I HAVE
bitants of
their regre
ment to th
to your L

To His Ex
mander-in
Chancell

May it

THE inh
selves of t
and consti
our sentime
of so many
tution, and
Majesty's lo
and trust th

Duly app
island, and
lamented f
enjoy, and
we believe

We, ther
our beloved
tranquility

Port Hill

loyalty and attachment to Her Majesty's person and Government, but also their firm determination to resist to the utmost of their power whatever may tend to dismember the British empire, of which they rejoice to consider the North American colonies a part.

Deeply sensible of the many blessings which the North American colonies have enjoyed under the British constitution, and thankful to Divine Providence for the peace and happiness which continue to reign in this section of the island, the inhabitants of Prince Town, Prince Town Royalty, and vicinity, humbly request your Excellency to acquaint their beloved Sovereign with the sentiments expressed by them on the present occasion; and also that their firm obedience to the laws may at all times be with confidence relied on.

On behalf of the meeting,
(signed) Joseph Pope, Chairman.

Prince Town Royalty,
20 January 1838.

PRINCE
EDWARD
ISLAND.

No. 41.
Sir C. A. Fitzroy
to Lord Glenelg,
29 January 1838.

Encl. 2, in No. 41.

— No. 42. —

COPY of a DESPATCH from Sir Charles A. Fitzroy, K. H., to Lord Glenelg.

Government House, Prince Edward Island,
2 March 1838.

My Lord,

I HAVE the honour to transmit to your Lordship an Address from the inhabitants of the North-west Section of Prince County in this island, expressive of their regret at the insurrection in the Canadas, and of their loyalty and attachment to the British Crown and constitution, which I am requested to forward to your Lordship, with a view to its being submitted to Her Majesty.

I have, &c.
(signed) Charles A. Fitzroy, Lieut.-Governor.

No. 42.
Sir C. A. Fitzroy
to Lord Glenelg,
2 March 1838.

Enclosure in No. 42.

To His Excellency Sir Charles Augustus Fitzroy, K. H., Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Island, Prince Edward, and its Dependencies, Chancellor and Vice-Admiral of the same, &c. &c. &c.

Encl. in No. 44.

May it please your Excellency,

THE inhabitants of townships, Nos. 11, 12, 13 and 14, and their vicinity, avail ourselves of this opportunity of expressing our loyalty and fidelity to the British Crown and constitution, and, at a public meeting this day convened for that purpose, have declared our sentiments, deeply deploring the unfortunate situation of affairs in the Canadas, and loss of so many brave men, who fearlessly offered their services in defence of their Queen, constitution, and country; at the same time we cannot but rejoice at the signal victory that Her Majesty's loyal troops and militia have obtained over such numbers of rebellious subjects, and trust that their diabolical proceedings may soon be terminated.

Duly appreciating the numerous blessings and advantages we derived in this fertile island, and patronized as we have been by our most gracious Queen's much revered and lamented father, and thankful to Divine Providence for the innumerable benefits we enjoy, and in particular for having been favoured with a humane and wise governor, who we believe to have the prosperity of this island at heart.

We, therefore, beg leave to request that your Excellency will condescend to convey to our beloved Sovereign our sentiments on the present occasion, hoping that peace and tranquility may flourish in all the British colonies.

Signed on behalf of the meeting,

James Yeo, Chairman.

Port Hill, 15 February 1838.

